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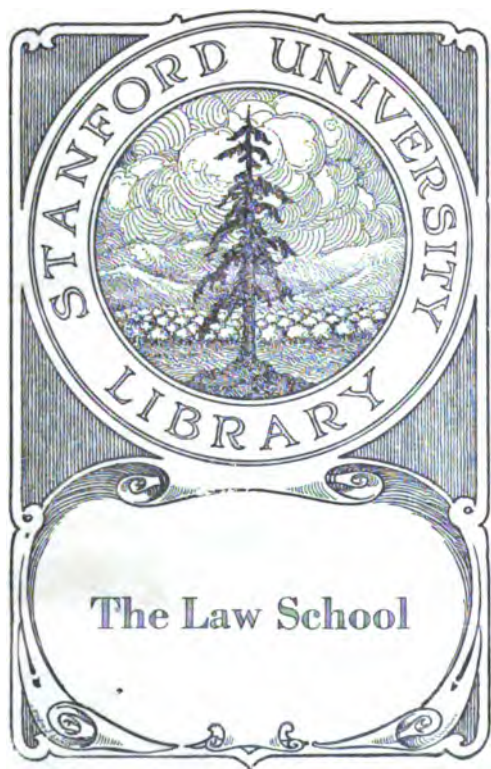
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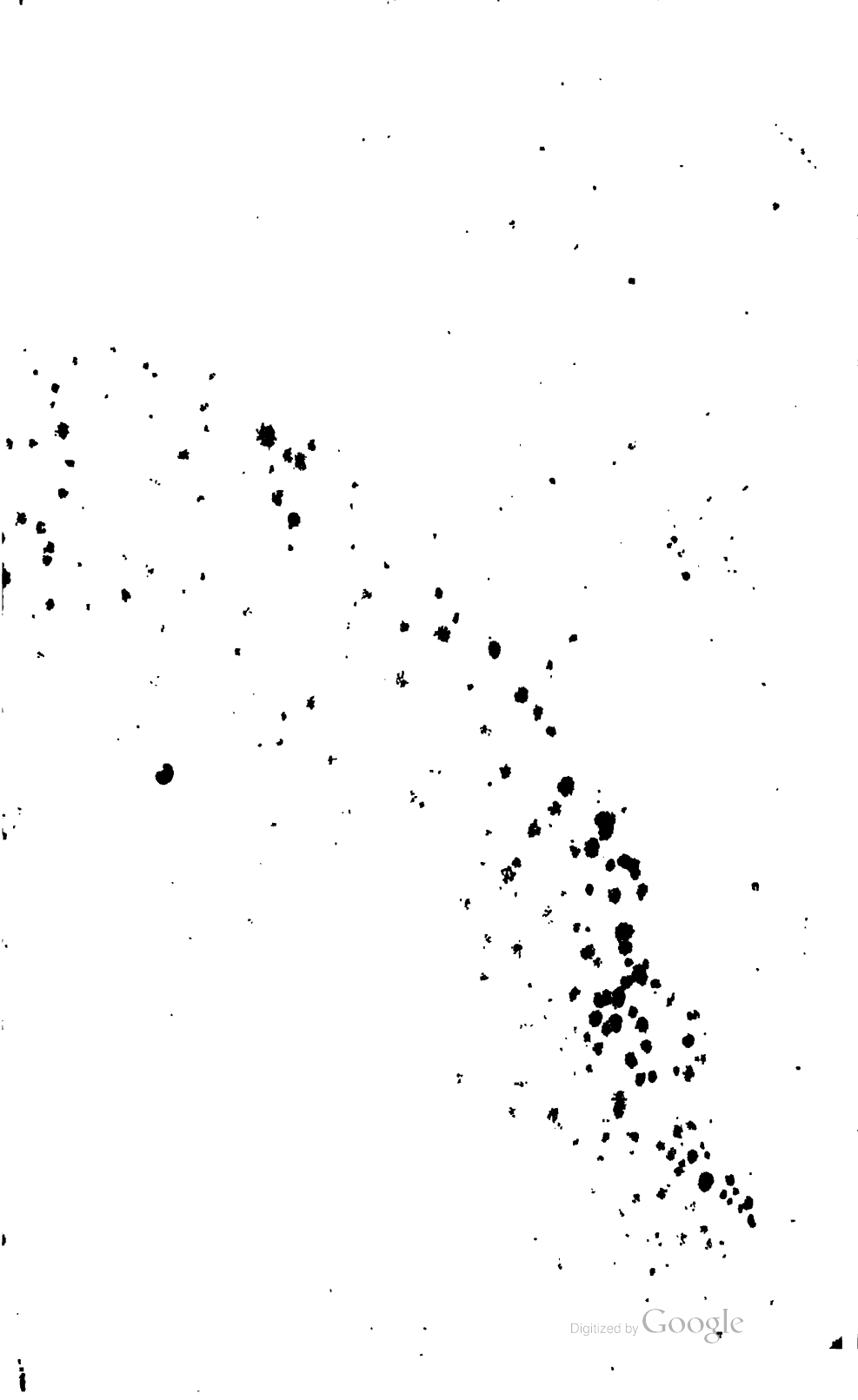
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ACTS

OF THE

STATE OF TENNESSEE,

PASSED AT THE

FIRST SESSION

OF THE

TWENTY-NINTH GENERAL ASSEMBLY

FOR THE YEARS

1851-2.

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# CONTENTS.

## ACADEMIES, COLLEGES, AND OTHER INSTITUTIONS OF LEARNING, AND FOR BENEVOLENT AND RELIGIOUS OBJECTS.

	PAGE
An act to incorporate the Montgomery Masonic College.....	12
An act to make valid certain acts of the Trustees of Tennessee Academy, in Rhea county, and for other purposes.....	30
An act to incorporate Huntsville Academy, in the county of Scott.....	30
An act to establish a High School at the town of Gallatin, in the county of Sumner.....	49
An act to incorporate Fincastle Academy, and for other purposes.....	67
An act to incorporate the Soule Female College, at Murfreesborough.....	105
An act to incorporate the Literary Institution of St. Agnes, in Shelby county.....	135
An act to authorize certain changes in the Academies in White county, Tennessee.....	149
An act to insure the faithful application of the Academy laws in the different counties in this state.....	158
An act to incorporate the Millwood Female Institute.....	170
An act to amend the 5th sec. of the act of 1849, chap. 154.....	192
An act to incorporate the Memphis Female Seminary.....	266
An act to appoint Trustees of Greasy Rock Academy, in the county of Hancock, and to incorporate the Nashville Female Institute.....	272
An act to amend an act, to incorporate the West Tennessee Baptist Convention, for literary and benevolent purposes ..	318

	PAGE.
An act to amend an act to incorporate Hiwassee College, and for other purposes.....	326
An act to amend an act to incorporate Washington Institute, in Davidson county.....	341
An act to incorporate the Missionary Association of the Methodist Episcopal Church South.....	342
An act to incorporate Boydsville Lodge of Free and Accepted Masons, and for other purposes.....	349
An act to incorporate Rural Academy, and for other purposes.....	424
An act to incorporate Thompson Academy and the Trustees of Andrew College, and for other purposes.....	468
An act to incorporate the Belle Forest Collegiate Institute, and for other purposes.....	474
An act to incorporate the Board of Foreign and Domestic Missions of the Cumberland Presbyterian Church, and for other purposes.....	485
An act to incorporate the Nashville Ladies College, and the Odd Fellows Female Collegiate Institute at Trenton, and for other purposes.....	558
An act to incorporate the Christian Church in the town of Dresden, Tennessee.....	565
An act to amend an act respecting Cumberland College, and an act to amend the laws respecting Cumberland College..	595
An act to repeal the 6th section of an act to incorporate Greenwood Academy, and for other purposes.....	602
An act to better secure the rights of unincorporated Churches, Religious and Literary Societies and Schools.....	614
An act to divide the funds of Tracy Academy in the county of Dickson, and for other purposes.....	616
An act to incorporate Carney's Nashville Commercial College.....	619
An act to incorporate Oakhill Seminary in the county of Coffee, and for other purposes.....	620
An act to incorporate the proprietors of the Alderburn Cemetery.....	622
An act to amend the charter of the German Evangelical Lutheran Church at Wartzburg.....	629
An act to establish Jefferson School, and for other purposes..	632
An act to incorporate Locust Grove Academy in Weakley county, and for other purposes.....	638
An act to confer additional powers on the Trustees of Trenton Academy, and for other purposes.....	641
An act to incorporate the Trustees of the Mossy Creek Missionary Baptist Seminary, in the county of Jefferson, and for other purposes.....	662

## ADMINISTRATORS AND EXECUTORS.

An act to authorize the bringing of suits by personal representatives in certain cases, and for other purposes .....	23
An act to authorize an Executor or Administrator to resign his office. and for other purposes .....	193
An act to provide for the settlement of estates by Executors, Administrators and Guardians, residing in new counties....	202
An act to repeal so much of the act of 1723, chap. 10, sec. 2, as requires inventories and accounts of sales of estates of deceased persons, to be sworn to in open court, and for other purposes.....	259

## ARBITRATION.

An act concerning arbitrations and amicable suits .....	249
---	-----

## ATTACHMENT.

An act to amend the 7th section of an act, entitled "an act to amend and make uniform the Attachment Laws of this state, and for other purposes.....	256
--	-----

## APPEALS.

An act to amend the 2nd section of an act passed the 28th January, 1850, chap. 20. on appeals.....	259
--	-----

## APPROPRIATIONS AND RELIEF.

An act to provide for the payment of the sum due for the block of marble furnished by the State of Tennessee for the construction of the Washington Monument.....	32
An act to remunerate Y. S. Patton for sundry repairs done to the Legislative Halls.....	53
An act for the relief of Alexander Gunn and others.....	60
An act for the benefit of Wm. B. Grove, R. F. Maclin and James A. Rogers, commissioners, &c.....	60
An act to provide for the payment of costs due from the State to the sheriff and clerk of Greene county.....	65
An act for the relief of John Catron.....	97
An act to authorize the purchase of 200 copies of Caruthers & Nicholson, and the supplement thereto.....	107
An act to allow John P. Wortham one hundred dollars for recapturing an escaped convict.....	109
An act to compensate the Comptroller for clerk hire and extra services.....	143

	PAGE.
An act for the benefit of M. C. Bowles.....	303
An act for the relief of James Smith and James Clift.....	404
An act to authorize the county court of Weakly and Obion counties to dispose of the unexpended balance of a fund ap- propriated for the improvement of the Obion river.....	405
An act to secure the completion of the Tennessee Institution for the education of the deaf and dumb.....	406
An act for the relief of Edmond House.....	562
An act for the relief of J. H. Rice.....	569
An act for the relief of James Vaughn, of Monroe county.....	590
An act for the relief of Isaac Paul.....	591
An act for the benefit of James T. Gardenhire and John Grason.....	592
An act for the relief of Jonathan Morris and others.....	593
An act for the relief of Joseph Byrd.....	596
An act for the relief of James E. Walker, former jailor of An- derson county.....	601
An act for the relief of A. R. Baldwin, of Hancock county....	607
An act giving further time to James Wilson, to collect arrear- ages of taxes, and for other purposes.....	620
An act to release the penalty of five hundred dollars to those who have violated the 15th and 16th sections of the act of 1835, chap. 13.....	685
An act to defray the expenses of the General Assembly, with the report of the committee on finance, annexed.....	687

### BANKS.

An act to amend an act entitled "An Act to amend the charter of the Bank of Tennessee," passed January 29, 1840.....	29
An act to amend an act chartering the Bank of Tennessee....	60
An act to authorize and regulate the business of banking.....	151
An act to establish the Citizen's Bank of Nashville & Memphis.	305
An act to relieve the Farmers & Merchant's Bank of Memphis.	405
An act to establish the branch of the Bank of Tennessee at Athens.....	595

### BONDS.

An act to authorize the renewal of certain bonds of the State of Tennessee.....	221
--	-----

### BRIDGES.

An act to amend the several acts incorporating the Nashville Bridge Co.....	6
An act to charter the Williamsport Bridge Company.....	37

**CONSTABLES.**

An act to amend the law regulating the election and duties of constables in this State.....	191
---	-----

**CAPITOL.**

An act to continue the construction of the Capitol.....	116
---	-----

**CORPORATIONS.**

An act to authorize proceedings against corporations whose franchises have been granted to other corporations, or are not used by the grantee.....	249
An act to amend an act passed 8th Jan., 1844, entitled "An Act concerning corporations and the act supplemental thereto.....	190

**CLERKS.**

An act requiring clerks of the different courts to give additional bonds.....	241
An act to make clerks of the different courts liable for failure to perform their duty, and for other purposes.....	244
An act to prescribe the duties of Clerks and Masters, in certain cases.....	257

**COLLECTORS.**

An act to amend the act of 1833, chap. 43, and the act of 1847, chap. 129.....	195
--	-----

**COUNTIES AND COUNTY LINES.**

An act to permanently establish the seat of justice in Tipton county.....	1
An act to alter the line between the counties of Cannon and Rutherford.....	25
An act to reenact and amend an act to establish the county of Union, passed 3d Jan., 1850.....	26
An act to attach the county of De Kalb to the fourth judicial circuit, and to repeal part of the 5th section of an act passed Feb. 2d, 1850.....	43
An act to authorize the county court of Haywood county to levy a tax and build a turnpike road and ferry across Big Hatchee river.....	46
An act to change the line of Wayne and Lawrence counties..	57
An act to establish the county of Taylor.....	175

	PAGE.
An act to change the line between the counties of Perry and Hickman, and for other purposes.....	271
An act to establish the county of Crockett.....	288
An act for the formation of the county of Christian.....	327
An act to change the line between the counties of Wayne and Perry.....	329
An act to change the line between the counties of Grainger and Knox.....	330
An act to change the line between the counties of Campbell and Claibourne.....	407
An act to alter the line between the counties of Smith and De Kalb, and for other purposes.....	429
An act to alter the line between the counties of Jefferson and Hawkins.....	570
An act to alter the line between the counties of Hancock and Hawkins.....	573
An act to change the line between the counties of Rutherford and Williamson.....	588
An act to change the line between the counties of Coffee and Franklin.....	603
An act to change the line between the counties of Hardin and Decatur.....	680

## COURTS.

An act to establish a chancery court in the town of Blountville.....	8
An act to vest in the circuit court the power to restore persons to the rights of citizenship.....	37
An act to change the time of holding the circuit courts in and for the county of Haywood, and for other purposes.....	55
An act to transfer the district of Lincoln county to the middle chancery division, and for other purposes.....	109
An act to amend an act passed the 30th Dec., 1849, chap 185, and to increase the jurisdiction of the county courts.....	114
An act to change the time of holding the courts in the 14th judicial circuit.....	139
An act to regulate the course of practice of the courts of law, in this State.....	216
An act to amend an act to give the county courts jurisdiction to provide for the partition and distribution of the estates of deceased persons.....	243
An act to authorize the county courts to correct errors in tax lists, and for other purposes.....	248
An act to prevent delays in the trial of causes in the circuit and chancery courts in this State.....	260
An act to give the county courts power to issue process in cases of bastardy.....	267

## ix.

	PAGE.
An act to declare the powers of the county court in the administration of estates in certain particulars.....	324
An act to change the time of holding the circuit courts in the counties of White, Fentress and Overton, and for other purposes .....	343
An act to establish a chancery court for the county of Polk.....	564
An act to establish a chancery court at Jacksborough.....	589
An act to authorize the citizens of Marion county to file bills in the chancery courts at Pikeville and Winchester.....	590
An act to define the duties of the supreme court and reporter.....	599
An act to change the time of holding the circuit courts in the county of Marshall.....	601
An act to establish a chancery court at Jasper.....	606
An act to establish a chancery court at Maryville, and for other purposes.....	630
An act to change the time of holding the circuit courts in the county of Shelby, and for other purposes.....	642
An act to regulate chancery practice, and to expedite the hearing of causes in chancery courts.....	672
An act to legalize the proceedings in courts of justice and the official acts of all officers, judicial and ministerial, in the county of Lewis, and all counties now organized, but that may hereafter be dissolved, either by the act of the legislature, or by the judgment or decree of any court of competent jurisdiction.....	676

## CRIMINAL LAW.

An act to amend the criminal laws of this State.....	41.
An act to amend the criminal laws of this State.....	189
An act to amend the laws regulating the practice in criminal proceedings, and for other purposes.....	420

## CONSTITUTION.

An act to prescribe the mode of submitting the proposed amendments to the constitution, to the vote of the people....	168
---	-----

## COMPTROLLER.

An act to authorize the Comptroller of the Treasury to pay to the Union Bank of Tennessee the last-quarter's salary of W. B. Turley deceased.....	25
An act to authorize the Comptroller to issue duplicate warrants, in certain cases.....	63
An act to authorize the Comptroller to issue warrants for the	9

payment of money ordered to be paid by virtue of any resolutions passed by the General Assembly.....	298
An act to authorize the Comptroller and Treasurer to procure offices.....	304
An act to provide for the payment of Comptroller's warrants, No 9121 and 807.....	319

## CHILDREN.

An act to declare the rule of descent and distribution of the real and personal estate of illegitimate children.....	43
An act to provide for free indigent children of color.....	235

## DEEDS.

An act to provide for the probate of deeds, &c., executed by county court clerks.....	7
An act to legalize and make good the registration of deeds and other instruments of writing of this State.....	9

## DEPOSITIONS.

An act to amend the law with regard to taking depositions...	165
An act to amend the law in relation to the taking of depositions.	238

## EMBEZZLEMENT.

An act to amend an act entitled "an act to declare the embezzlement of money by certain bank officers, felony. Passed 29th Jan., 1844.....	262
--	-----

## ESTATES.

An act to provide the mode in which the estates of idiots and lunatics may be managed.....	58
An act to amend and reduce into one the several acts for the administration of insolvent estates.....	511

## ELECTIONS.

An act to protect illiterate persons at the ballot box.....	40
An act to provide for contested elections in certain cases, and for other purposes.....	56

## ELECTORS OF PRESIDENT AND VICE PRESIDENT.

An act to prescribe the mode of choosing Electors to vote for President and Vice President of the United States.....	669
--	-----

## FEES.

PAGE.

SEE APPENDIX.

## FREE PERSONS OF COLOR.

An act to construe the laws in relation to free persons of color. 237

## FINES AND FORFEITURES.

An act to declare what fines and forfeitures shall be paid to the State and what to the county..... 238

## GOVERNOR.

An act to increase the salary of the Governor of the State..... 616

## GUNPOWDER.

An act providing for the safe keeping of gunpowder, and for other purposes..... 246

## HOLIDAYS.

An act to designate the holidays to be observed in the acceptance and payment of bills of exchange and promissory notes. 42

## HOSPITAL.

An act to create the Hospital of the State of Tennessee..... 223  
 An act for the benefit of the Memphis Hospital..... 566  
 An act to enable the trustees of the new Hospital for the insane, to furnish the same..... 637

## INSURANCE COMPANIES.

An act to incorporate the United Fireman's Insurance Co. of Nashville..... 226  
 An act to amend the charter of the Tennessee Marine and Fire Insurance Co..... 245  
 An act to incorporate the Mutual Insurance Co. of Chattanooga, and to incorporate the Mutual Protection, Fire and Marine Insurance and Life and Trust Co. of Trenton..... 268  
 An act to incorporate the E. Tennessee Mutual Insurance Co., and for other purposes..... 498  
 An act to incorporate the Firemen's Insurance Co. of Memphis. 596

## IDIOTS AND LUNATICS.

An act for the protection of idiots and lunatics, and other persons of unsound mind, and to prevent abuses of the inquisition of lunacy.....	239
--	-----

## INTERNAL IMPROVEMENT.

An act to establish a system of internal improvement.....	204
---	-----

## JUSTICES OF THE PEACE.

An act to increase the jurisdiction of justices of the peace....	38
An act to extend the jurisdiction of justices of the peace.....	52
An act to amend the laws of this State relative to proceedings before justices of the peace.....	125
An act to authorize the qualified voters of the 13th civil district, including the town of Lynnville, to elect three justices of the peace.....	591

## JUDGES.

An act to prevent the Chancellors and Judges of this State from practising law.....	608
---	-----

## LAND AND LAND TITLES.

An act to amend the act of 1806, sec. 21st, relative to the manner of processioning.....	112
An act to quiet certain land titles, and to secure <i>bona fide</i> purchasers against litigation.....	157
An act to protect the Homestead.....	158
An act to consolidate the offices of Entry Taker and Register, south and west of the congressional reservation line.....	165
An act to authorize the sale of escheated lands, and vested in common schools, and for other purposes.....	167
An act to amend the 2nd section of the act of 1846, chap. 174....	199
An act to provide for the fractional townships in Rutherford, Williamson and Marshall counties, and for other purposes.....	567
An act for the relief of the commissioners of the Toco school land, in Monroe county.....	600
An act to give further time to perfect titles to land in this State.....	603

## LOST INSTRUMENTS.

An act to amend the law in relation to lost instruments.....	108
An act to authorize suits to be brought on copies of lost bonds.....	189

**MILLS AND MILL OWNERS.**

An act for the benefit of mills and mill owners and manufactories. 191

**MILITIA.**

An act to amend the Militia law of this State. 149

An act to change the time of holding certain musters. 179

**MANUFACTURING AND OTHER COMPANIES.**

An act to incorporate the Tennessee River Mining, Manufacturing and Transportation Company. 5

An act supplemental to an act passed Jan. 30, 1844, to incorporate the Fort Pickering Dry Dock Company. 24

An act to incorporate the Agricultural Manufacturing Co. 34

An act to amend an act entitled "an act to incorporate the Port Royal Manufacturing Co." chap. 125, passed Jan. 29, 1846. 41

An act to incorporate the Memphis Gas Light Co. 44

An act to incorporate Lookout Co. 64

An act to incorporate the Southern Carriage Manufacturing Co. 99

An act to incorporate the Hiwassee and Calchote Mining Co's. 100

An act to incorporate the Memphis Savings Institution. 107

An act to incorporate the Tullahoma Mining and Manufacturing Co., and for other purposes. 131

An act to incorporate the Poplar Creek and Cumberland Mountain Coal Co. 143

An act to incorporate the Smithville Hotel Company. 183

An act to incorporate the Nashville Stone Dressing Company, and for other purposes. 233

An act to incorporate the Fire Association of Nashville. 302

An act to incorporate the Edgefield Broom and Bucket Manufacturing Company. 321

An act to incorporate the Fayette Manufacturing Company. 330

An act to incorporate the South Nashville Manufacturing Company, and for other purposes. 350

An act to incorporate the Mechanics Fire Engine and Hose Co. No. 4, and Library Association of Memphis, and for other purposes. 371

An act to incorporate the Fire Co. No. 1, in the city of Nashville. 404

An act to incorporate the Paint and Oil Manufacturing Co. 411

An act to incorporate the Lawrence Manufacturing Co. 416

An act to incorporate the Memphis Manufacturing and Navigation Co., and for other purposes. 521

An act to incorporate the Sequatchee Mining and Manufacturing Co., and the Hart Spring Manufacturing Company. 609

An act to incorporate the Carthage Manufacturing Company. 650

## NAMES.

PAGE.

An act to amend the act of 1806, in relation to a change of names, and for other purposes.....	618
--	-----

## PENITENTIARY.

An act to better regulate the manner of keeping the finances of the Penitentiary, and for other purposes.....	126
An act to defray the expenses of the Tennessee Penitentiary, and for other purposes.....	613

## PARTNERSHIPS.

An act to authorize the formation of limited partnerships, &c.....	247
--	-----

## PAUPERS.

An act to amend the act of 1821, ch. 22, and 1848, ch. 165..	181
--	-----

## ROADS.

An act to repeal an act of the General Assembly, entitled "an act to authorize the laying out of a public road from the town of Athens, in McMinn county, to Tellico Plains, in Monroe county....."	10
An act giving to householders power to lay off dower, roads, &c. ....	11
An act to amend an act, establishing a road between Tazewell and Knoxville, and for other purposes, - -	61
An act to amend an act, &c., to appoint suitable persons to open and keep in repair a part of the road from South West Point to Carthage, - - - - -	146
An act to amend the law on public roads, - - - - -	190
An act to change the manner of keeping up the public roads, -	200
An act for the relief of overseers of roads, - - - - -	263
An act appointing commissioners on the road from Paris to Reynoldsburgh, and for other purposes, - - - - -	347

## RAILROADS.

An act to incorporate the Louisville and Nashville Railroad Company, - - - - -	28
An act to amend an act, passed the 9th day of February, 1850, chap. 36, to charter the Winchester and Alabama Railroad Company, - - - - -	45

An act to authorize the corporate authorities of the city of Nashville to subscribe stock in railroad companies, -	57
An act to amend the charter of the Louisville and Nashville Railroad Company, passed 4th December, 1851, -	63
An act to authorize the Governor to issue bonds to the East Tennessee and Virginia Railroad Company, to aid in the building of bridges, - - - -	76
An act to incorporate the Nashville and North-western Railroad Company, - - - -	82
An act to charter the Tennessee and Alabama Railroad Company, and for other purposes, - - - -	93
An act to aid in the completion of the East Tennessee and Georgia Railroad, - - - -	110
An act to charter the Memphis, Clarksville and Louisville Railroad Company, - - - -	121
An act to authorize and regulate county subscriptions for railroad stock, - - - -	161
An act to prevent obstructions on railroads, - - - -	172
An act to incorporate the Pikeville and Jasper Railroad Co.,	186
An act to incorporate the Nashville, Franklin and Columbia Railroad Company, - - - -	273
An act to charter the Nashville and Southern Railroad Co.,	281
An act to authorize the mayor and aldermen of the town of Franklin, to take stock in railroads, and for other purposes,	284
An act to incorporate the Nashville and Memphis Railroad Co.,	299
An act to incorporate the Central Union Railroad Company,	310
An act to amend the charter of the Memphis and Charleston Railroad Company, - - - -	313
An act to authorize the New Orleans, Jackson and Northern Railroad Company, to extend their railroad from the south boundary line of the State, to the State of Kentucky, -	314
An act to charter the Chattanooga, Blue Spring and Cleveland Railroad Company, and for other purposes, - - - -	335
An act to incorporate the Edgefield and Kentucky Railroad Company, and for other purposes, - - - -	338
An act to change the name of Chattanooga, Harrison and Cleveland Railroad Company, and to authorize said company to connect with the East Tennessee and Georgia Railroad, at or above Charleston, - - - -	341
An act to incorporate the Atlantic, Tennessee and Ohio Railroad Company, and for other purposes, - - - -	356
An act to charter the Lexington and Knoxville Railroad Company, and for other purposes, - - - -	385
An act to charter the Junction Railroad Company, and for other purposes, - - - -	431
An act to charter the South-western Railroad Company, and for other purposes, - - - -	462

	PAGE.
An act to incorporate the Chattanooga and Central Kentucky Railroad Company, and for other purposes, - - -	489
An act to incorporate the Central Trunk Railroad Company, and for other purposes, - - -	523
An act to incorporate the Nashville and Cincinnati Railroad Company, - - -	574
An act authorizing the construction of a railroad from Howell Wiley's Coal Bank, to some suitable point on Poplar creek, -	646
An act to incorporate the Junction Railroad, connecting the East Tennessee and Georgia, and East Tennessee and Virginia, the Knoxville and Kentucky, and Knoxville and North Carolina Railroad Companies, - - -	652
An act to charter the Rogersville and Jefferson Railroad Co., -	654
An act to charter the Cumberland and Huntsville Railroad Company, and for other purposes, - - -	683

### RIVERS AND CREEKS.

An act for the improvement of Obeds river, and for other purposes, - - -	470
An act to repeal an act passed Nov. 2, 1800, declaring Rich- land creek navigable. - - -	602

### REGISTRATION.

An act to amend the registration laws of this State, - -	253
An act to amend the registry laws of the State, - -	52

### REPRESENTATIVES.

An act to apportion the Representatives in the Congress of the United States, - - -	293
An act to apportion the Representation to the General Assem- bly of the State of Tennessee, - - -	295

### SCHOOLS AND SCHOOL LANDS.

An act to provide for the payment of School Teachers under the common school system, in certain cases, - - -	60
An act to amend the common school laws of this State, - -	182
An act to define the duty of School Commissioners in certain cases, - - -	188
An act to amend the 16th sec. of the act of 1840, and for other purposes, - - -	204
An act to amend an act, to increase the common school fund, -	242

## SMALL OFFENCES.

An act to amend the act of the 2nd day of Feb., 1850, chapter 22	
entitled "an act to amend an act for the punishment of small offences," passed the 1st of January, 1848,	22
An act to amend an act, for the punishment of small offences, to repeal part of 4th sec. of an act passed Jan. 2nd, 1850,	236

## SOCIETIES.

An act to incorporate the Tennessee Agricultural Society, and for other purposes,	47
An act to incorporate the Supreme Society of Odd Friends and societies subordinate thereto,	74
An act to incorporate the Hibernian Mutual Relief Society of the city of Memphis,	326
An act to incorporate the Alumni Society of Cumberland University,	344
An act to change the name of the Young Men's Literary Society of Knoxville, and for other purposes,	477
An act to incorporate the Philomathesian Society of Burritt College, and for other purposes,	568

## SECURITIES.

An act for the relief of securities of Revenue Collectors,	254
--	-----

## SOLDIERS.

An act to amend an act passed the 4th of Feb., 1848, which provides for deranged persons, the wives and widows of soldiers who served in the Mexican war,	44
---	----

## SUITS.

An act to prevent malicious and frivolous prosecutions,	74
An act to transfer suits between citizens of Scott county, pending in the circuit court of Campbell county, to the circuit court of Scott county,	81
An act to regulate the manner of bringing suits on the official books of the Clerks of the different courts in this State, and for other purposes,	196
An act to repeal the 1st and 2nd sections of the act of 1811, chap. 91,	198
An act to authorize the transfer of certain suits pending in the chancery court at Jonesboro', to Blountville,	643

• **SLAVES.**

- An act to prevent abuse in taking up slaves as runaways - 120

**SEALS AND SCROLLS.**

- An act to dispense with seals and scrolls in certain cases, - 179

**SECRETARY OF STATE.**

- An act to direct and authorize the Secretary of State to procure and furnish to new counties certain decisions of the supreme court, and for other purposes, - 570

**SURVEYORS.**

- An act to secure the records of the Second Surveyor's District of the State, and for other purposes, - 572

**TELEGRAPH.**

- An act to incorporate the Augusta, Atlanta and Nashville Magnetic Telegraph Company, - 189  
An act to amend an act to incorporate the New Orleans and Ohio Telegraph Company, and for other purposes, - 666

**TIPPLING.**

- An act to amend the Tippling Laws of this State, - 61

**TOWNS.**

- An act to incorporate the town of South Nashville, - 9  
An act to extend the limits of the town of Franklin, and for other purposes, - 95  
An act to amend the charter of South Nashville, - 118  
An act to amend an act entitled "an act to incorporate the town of Tazewell, passed Jan. 2, 1830, - 174  
An act to incorporate the town of Dyersburg, and for other purposes, - 286  
An act to make valid certain sales made by the town commissioners of the town of Dyersburg, - 346  
An act to incorporate the town of North Winchester, and for other purposes, - 413  
An act to amend the several acts to incorporate the town of Knoxville, and for other purposes, - 492  
An act to change the incorporation line of the town of Tazewell, and for other purposes, - 640

# TURNPIKES.

An act to amend an act to amend the charter of the Lebanon and Sparta Turnpike company, passed 1st February, 1848.	44
An act to amend an act, passed February 4th, 1848, entitled an act authorizing Carrick W. Nelson, of the county of Carter, to build a turnpike road, and for other purposes.	11
An act to amend the charter of the Hyde's Ferry Turnpike company	24
An act to charter the Manchester and Tullahoma, and the Hillsboro' and Tullahoma Turnpike companies	32
An act to amend the charter of the Shelbyville, Farmington, and Lewisburg Turnpike company.	34
An act to amend the 4th section of an act passed February 2nd, 1846, entitled "an act to authorize Benjamin Parker Hopkins and William Tinker of the county of Cocke, to open a turnpike road.	37
An act to repeal the 3rd section of an act, passed the 9th Feb, 1850, entitled "an act to appoint Commissioners on the Montgomery Turnpike road.	42
An act to amend an act, entitled "an act to authorize John D. Armond to open a turnpike road	53
An act to amend an act, passed February 1st, 1850, entitled an act to incorporate the Huntingdon and Tennessee river turnpike company, and for other purposes.	55
An act to incorporate the Kentucky Turnpike company, and for other purposes.	70
An act to amend the charter of the Fayetteville, Booneshill, and Pulaski Turnpike company, and for other purposes.	104
An act to incorporate the Huntsville Turnpike company.	115
An act to incorporate the Dyersburg and Mississippi River Turnpike and Plank road company.	147
An act to prevent imposition upon travellers by turnpike owners and gate keepers.	223
An act to incorporate the Lookout turnpike company.	264
An act to amend an act to authorize Cain Broyles to open a turnpike road across Paint Mountain.	304
An act to amend an act to incorporate the Huntingdon and Tennessee river turnpike company, and for other purposes.	310
An act to extend the time for the completion of the Johnson and Carter turnpike company.	313
An act to amend the charter of the Eagleville, Unionville and Shelbyville turnpike company.	319
An act to amend the charter of the Shelbyville, Richmond, Petersburg and Fayetteville turnpike company, and for other purposes.	322

An act for the relief of Hamilton Copeland, of the county of Cocke.	327
An act to amend an act to incorporate the Middle Franklin turnpike company, and for other purposes.	333
An act to amend an act in relation to the Gallatin and White's Creek turnpike road, and for other purposes.	342
An act to amend the charter of the Franklin College and Stone's river turnpike company, and for other purposes.	345
An act to incorporate the Waynesborough and Savannah, and the Trenton and Troy turnpike companies.	352
An act to authorize Daniel D. Foute to open a turnpike road.	377
An act to amend the charter of the Eagleville, Unionville and Shelbyville turnpike company, and for other purposes.	379
An act to incorporate the Sequatchee Plank road company.	381
An act to authorize H. Long and H. M. Long to open a turnpike road.	409
An act to incorporate the Grayson turnpike company, and to incorporate the Brownsville and Raleigh Plank road Co.	434
An act to authorize J. C. Vaughn, D. Cunningham, D. E. Hedcock and John Prock, to open a turnpike road.	439
An act to charter the Clarksville and Rook's Ferry road, and for other purposes.	444
An act to incorporate the Clinton turnpike company, and for other purposes.	449
An act to authorize Julian F. Scott and others to open a turnpike road.	455
An act to authorize John Gillentine to construct a turnpike road over Cumberland mountain, and for other purposes.	472
An act supplemental to an act, to authorize the county court of Haywood county to levy a tax and build a road and ferry across Big Hatchee river.	479
An act to charter the Sevier county turnpike road, and for other purposes.	480
An act to incorporate the Macon Plank road company, and for other purposes.	494
An act to charter the Charlotte and Jones Creek turnpike company, and for other purposes.	506
An act to authorize Joseph Hutcheson and George Ricker to open a turnpike road in Greene county, and for other purposes.	532
An act to incorporate the Clifton and Jackson turnpike company, and for other purposes.	540
An act to authorize W. L. Adams and T. B. M'Elwee to open a turnpike road, and for other purposes.	552
An act to authorize O. F. Welcker, W. S. Senter and A. Adkerson to open a turnpike road, and for other purposes.	556
An act to permit Samuel W. Adkinson to erect an additional toll gate on his road, and for other purposes.	563

An act to amend the 5th section of an act passed January 31st 1850, entitled an act to incorporate the Springfield and Manasco's Creek turnpike company.	589
An act to authorize the county court of Carroll county to charter the Huntingdon and Beaver Creek turnpike.	591
An act requiring the county court of Giles county to appoint Commissioners to locate gates north and south of the town of Pulaski, on the C. P. E. and Alabama turnpike road.	594
An act to incorporate the Kingston and Poplar Creek turnpike company.	598
An act to amend an act to incorporate the Columbia, Mooresville, Cornersville and Lewisburg turnpike company, and for other purposes.	604
An act to amend the charter of the Lebanon and Trousdale Ferry turnpike company	617
An act to amend the charter of the Shelbyville and Flat Creek turnpike company, and for other purposes.	620
An act to revive the charter and to complete the construction of the Cumberland and Stone's river turnpike road	635
An act to authorize the White's Creek turnpike company to remove one of their gates, and for other purposes	644
An act to amend an act, incorporating the Nashville and Charlotte turnpike road, and for other purposes.	647
An act to incorporate the Murfreesborough and Liberty turnpike company	648
An act to authorize William J. McClelland to open a turnpike road in Dickson county.	656
An act to incorporate a company for opening a turnpike road from Nashville to the top of the Ridge about one mile from Elijah Robertson's, in a direction from Nashville via Charlotte to the Western District, and for other purposes.	686

## TAXES.

An act to repeal the 4th section of the act of 7th Feb. 1850. and to reduce taxes on the people,	124
An act to amend the 1st section of an act amending an act passed the 17th January, 1838,	126
An act to amend the Revenue Laws of this State,	186
An act for the relief of persons who have property twice listed for taxation,	196
An act to increase the revenue of the State, and define the rates of license for agents of Insurance Companies,	419

## VACANCIES.

An act to provide for the filling of certain vacancies,	423
---	-----

## WITNESSES.

An act to amend the act of 1804, chap. 9, sec. 2, to raise the fees of witnesses before justices of the peace,	10
An act to secure the attendance of witnesses before juries of inquisition, idiocy or lunacy,	54
An act to compel the attendance of witnesses before justices of the peace,	197

## WARRANTS.

An act to authorize duplicate warrant in favor of trustees of Carroll county,	21
---	----

## WILLS.

An act to declare that the word "heirs" shall not be necessary to create estates in fee simple,	40
An act to amend the act of 20th Feb., 1836, chap. 18, sec. 2,	96
An act to declare the rule of construction in bills of sale, deeds and wills, and other instruments of writing,	113

## WIDOWS.

An act to secure the rights of widows,	98
An act to amend an act, entitled "an act to reduce the expenses of laying off widow's dower," passed 17th Dec., 1849,	118





ACTS  
OF THE  
GENERAL ASSEMBLY  
OF THE  
STATE OF TENNESSEE,

PASSED AT THE FIRST SESSION OF THE TWENTY-NINTH GENERAL ASSEMBLY, WHICH WAS BEGUN AND HELD AT NASHVILLE ON MONDAY, SIXTH DAY OF OCTOBER, IN THE YEAR ONE THOUSAND EIGHT HUNDRED AND FIFTY-ONE.

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CHAPTER I.

AN ACT to permanently establish the Seat of Justice of Tipton County.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That it shall be the duty of the officers holding the election for county officers in Tipton county, in March next, to open and hold an election at the several places of voting in said county for county officers, where all persons, constitutionally entitled to vote for said officers, may vote for the place where the permanent seat of justice of Tipton county is to be located, namely: whether it shall remain at Covington, or be removed to Randolph in said county.

Elections.

SEC. 2. *Be it enacted*, That at said election the town of Randolph and the town of Covington shall be put in nomination for the permanent seat of justice for said county, and all those voting for Covington to remain the seat of justice shall write on their ticket the word

Manner of vot-  
ing.

Covington, and all those voting for the removal of the seat of justice to Randolph, shall write on their ticket the word Randolph; and if on counting out and comparing all the votes given for and against the removal, there shall be a majority of votes for Randolph, then and in that case the permanent seat of justice of Tipton county shall be at Randolph, but if on counting out and comparing the votes as aforesaid, there shall not be a majority of votes for Randolph, but a majority for Covington, then the seat of justice of said county shall remain permanently at Covington.

Commissioners.

SEC. 3. *Be it enacted*, That if there shall be a majority of votes as aforesaid in favor of a removal of the seat of justice of said county, then and in that case, Ruffin Smythe, James Alston, James Steele, William Coward, A. W. Smith and Robert W. Sandford, shall be and they are hereby appointed commissioners, who, or a majority of them, shall, on or before the first Tuesday in July next, proceed to fix on a suitable and eligible site for the seat of justice, and shall procure, by purchase or otherwise, a sufficient quantity of land on which to erect all public buildings, and also a sufficient quantity of land for a public square at the place so selected, for which they shall cause a deed or deeds to be made to them and their successors by general warranty.

Public Buildings.

SEC. 4. *Be it enacted*, That said commissioners shall superintend the building of the court house, jail, and other necessary public buildings, and shall let out such buildings as the county court, in said county, shall order to be built, and shall take bonds with sufficient security from the person or persons to whom the same may be let, payable to themselves and their successors in office, in a sum double the amount of the contract, conditioned for the faithful performance of his or their contract.

Oath and Bond.

SEC. 5. *Be it enacted*, That said commissioners, before entering upon the duties of their offices assigned them by this act, shall take an oath or affirmation that they will truly and faithfully execute and perform the different duties by this act enjoined on them, according to the best of their judgment; and moreover shall enter into bond with approved security, payable to the chairman of the county court of Tipton county, and his successors in office, in the sum of ten thousand dollars, conditioned for the due and faithful performance of the duties enjoined upon them by this act.

SEC. 6. *Be it enacted*, That the said commissioners shall keep a fair and accurate statement of all monies

by them received and expended, and shall annually report all their proceedings to the county court, and when the necessary public buildings are completed, the said commissioners, by order of the county court, shall pay all surplus money remaining in their hands to the county trustee for county purposes; and they shall be allowed by the county court a reasonable compensation for their services. Duties of Commissioners.

§ 7. *Be it enacted*, That should a vacancy occur by death, resignation, or otherwise, the county court of said county is hereby authorized to fill such vacancy by the appointment of other commissioners, who shall take the same oath and perform the same duties as are prescribed by this act. Vacancies.

SEC. 8. *Be it enacted*, That it shall and may be lawful for the county court of said county, a majority of the justices concurring therein, to levy a county tax, which may be continued from year to year until a sufficient sum be raised to pay for said buildings, which tax shall be collected by the sheriff, under the same rules and regulations as other taxes, and by him shall be paid over to said commissioners for said purpose, and if the sheriff shall fail to pay over the same, he shall be liable to judgment on motion against him and his securities, in the name of said commissioners, in the same manner as for failing to pay over other taxes. Taxes.

SEC. 9. *Be it enacted*, That the officer holding said election shall make a return of the number of votes given in said election for and against a removal of the seat of justice, to the county court of said county, on the first Monday of April next, and the said county court, at that or some subsequent session, shall adjourn their court to meet at the place selected by said commissioners and shall direct, by an order of court, the county officers who are required to keep their offices at the county seat, to move their offices, with all books and papers belonging thereto, to the place to which the court may adjourn. May remove Court.

§ 10. *Be it enacted*, That the county court, when they adjourn their court, as directed by this act, shall direct their clerk to notify the clerk of the circuit court of said county of such adjournment and the place to which they have adjourned, and the clerk of the circuit court shall give the judge of said circuit court the same notice, and hereupon the judge of the circuit court of said county, shall hold the circuit court of said county at the place to which the county court may be adjourned, and the clerk of said circuit court shall Removal of Circuit Court.

move all the records and papers of his office to the place so selected, to be there kept, and all writs, recognizances, and other process made returnable to Covington, and not then returned before the adjournment of said court, shall be returned to the place to which said court is adjourned, and shall be as good and effective as if made returnable to said place so adjourned to, and no writ, recognizance or process, or other proceedings shall abate or otherwise be annulled, or rendered void by reason of such adjournment or removal.

May sell Public  
Buildings.

SEC. 11. *Be it enacted*, That in case the seat of justice of said county shall be removed to Randolph, provided in this act, then the commissioners, appointed in the third section of this act, shall have the power and authority to sell the old court house and jail in Covington, and the lots thereunto belonging, for cash or on as reasonable credits as to said commissioners may seem most expedient and advantageous to the interest of said county. and shall have the power to convey the same to any purchaser or purchasers, and the monies arising from the sale of said property shall be paid to said commissioners, to be by them expended in the construction of a court house and other public buildings in Randolph. *Provided, however*, That nothing in this act shall be so construed as to authorize the commissioners to sell any portion of the public square or street in the town of Covington.

JORDAN STOKES,

*Speaker of the House of Representatives*

M. R. HILL,

*Speaker of the Senate*

Passed, December 12, 1851.

## CHAPTER II.

AN ACT to amend "an act to amend the charter of the Lebanon and Sparta Turnpike Company," passed 1st Feb. 1843.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the fourth section of the above recited act be amended so as to authorize the board of directors to change or re-locate the Lebanon and Sparta Turnpike Road in the town of Liberty, DeKalb county, and that this act shall take effect from and after passage.

*Sec. 1. Be it enacted*, That the third section of an act, passed Dec. 6th, 1845, be so amended as to authorize John Cox, of the county of White, to act, and that he is hereby appointed commissioner in the place of Smith J. Wiggins, removed.

JORDAN STOKES,

*Speaker of the House of Representatives.*

M. R. HILL,

*Speaker of the Senate.*

Passed, November 18, 1851.

### CHAPTER III.

AN ACT to incorporate the Tennessee River Mining, Manufacturing and Transportation Company.

*SECTION 1. Be it enacted by the General Assembly of the State of Tennessee*, That James Williams, William Williams, C. C. Spillers, J. S. Boyd, J. R. Love, J. M. Todd, B. Merrill, W. D. Fulton, James Dobbs, M. Mahan, B. Chandler and C. Wallace, their associates and successors, are hereby incorporated and constituted a body politic and corporate, with power for twenty years to employ the capital of said company in mining for coal, iron, or other metals, and transporting the same by steamboats or other water craft on the Tennessee River and its tributaries; to transport freight and passengers; to build and construct steam vessels and other water craft, and tools and implements; to employ teams for land transportation, by the name and of the Tennessee River Mining, Manufacturing and Transportation Company. Said company is empowered to make and use a common seal, and to contract at pleasure; to sue and be sued; to have successions to hold by purchase or otherwise, and to dispose of the same, any real or personal property, to carry on the operations of said company, or which may be acquired in payment of debts or otherwise.

*Sec. 2. Be it enacted*, That the capital stock of said company shall be divided into shares of five hundred dollars each, and shall consist of not more than five hundred shares; but said company may commence operations in whole or in part of the purposes herein provided according to the terms of an existing agreement between the parties herein named, or a portion of them,

Incorporation.

Capital Stock

such property or money as may have been paid in, being credited on the books of said company as payment upon stock. Shares can only be transferred upon the books of said company after the full amount of such shares shall have been paid. The company shall have power to declare forfeited to it any stock upon which the instalments remain unpaid, or, at its option may sue for and recover the unpaid amount before any tribunal having jurisdiction. Said company shall have power to transact its business at one or more points.

**SEC. 3.** *Be it enacted,* That the officers of said company shall consist of a president and three directors who together will constitute a board, each being entitled to a vote, the president to decide in the event of an equal division. Said board shall make such by-laws as they may deem proper, not inconsistent with any of the provisions of this charter, with the laws of the United States or of this State. Said president and directors shall be chosen by the stockholders, each stockholder being entitled to one vote for every share of stock he may hold. Stockholders may vote either in person or by proxy. The president and directors shall be stockholders, and shall hold their offices until the successors shall be chosen, which may be done as follows: Stockholders owning a majority of stock shall designate in writing (for the first election under this charter) to James Williams, C. C. Spiller and W. L. Fulton, the time and place for holding the election, giving ten days notice of the same, and ever after to the board of directors, and said election shall be held by the same parties respectively; but for every election after the first, at least thirty days notice shall be given. In case of the death, resignation or withdrawal of any member of the board, his or their place shall be filled by the remaining members of said board, who shall continue in office until a new board shall have been chosen. The president shall manage and control the business affairs of said company, appoint all necessary officers, and make all such purchases of stock as may be necessary to carry on and continue the operations of said company. He shall report annually to the stockholders and the board of directors the condition of the company and shall pay over to the stockholders, at least once a year, or oftener if he may deem necessary, the profits of the business, retaining only such amount for the use of the company as may be necessary or proper to keep the value of said stock at par, and to provide for necessary and contingent expenses in continuing the operations of said company. It shall be the duty of the directors

Powers of the  
Company.

to investigate the accounts of the president and the affairs of the company, and for this purpose they (exclusive of the president) are constituted a committee, with a privilege of access to the books and papers of said company. The board of directors, with the assent of stockholders owning a majority of shares in said company, may from time to time receive additional subscriptions of stock, the whole amount not to exceed the maximum amount herein provided. *Provided*, That this company shall have no exclusive privilege in the navigation of the navigable waters of this State, nor shall any rights of navigation herein conferred be superior in any thing to the rights of individuals navigating the same.

JORDAN STOKES,

*Speaker of the House of Representatives.*

M. R. HILL,

*Speaker of the Senate.*

Passed, November 17, 1851.

#### CHAPTER IV:

AS ACT to provide for the probate of deeds, &c., executed by County Court Clerks.

*Be it enacted by the General Assembly of the State of Tennessee*, That from and after the passage of this act, that if any of the county court clerks of this State should wish to execute any deed, bill of sale, or any other instrument required by the existing laws of this State to be acknowledged or proven and registered, it shall and may be lawful for such deed, or other instrument, to be acknowledged or proven before the clerk of his county court, and thereupon registered, and the probate of the same be entered on record in the county court clerk's office as other instruments provided and acknowledged for registration.

JORDAN STOKES,

*Speaker of the House of Representatives.*

M. R. HILL,

*Speaker of the Senate.*

Passed, November 11, 1851.

## CHAPTER V.

AN ACT to establish a Chancery Court in the town of Blountville.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the county of Sullivan shall constitute a separate chancery district, and that the court of the same shall be held by the Chancellor of the Eastern Division of the State of Tennessee, at the court house in the town of Blountville, in the county of Sullivan, on the third Mondays of May and November, in each and every year. That it shall be the duty of said Chancellor to appoint a Clerk and Master of said court, who shall give bond and security, and shall be subject to all the duties and liabilities now by law imposed upon said office.

Jonesborough. SEC. 2. *Be it enacted*, That the chancery court at Jonesborough shall hereafter be held on the second Mondays of May and November, in each and every year.

Greenville. SEC. 3. *Be it enacted*, That the chancery court at Greenville, shall hereafter be held on the first Mondays in May and November, in each and every year.

Washington. SEC. 4. *Be it enacted*, That the counties of Rhea and Meigs, shall constitute a separate chancery district, and that the court of the same shall be held by the Chancellor of the Eastern Division of the State of Tennessee, at the court house in the town of Washington, in the county of Rhea, on the second Mondays of February and August, in each and every year. That it shall be the duty of said Chancellor to appoint a Clerk and Master of said court, who shall give bond and security, and shall be subject to all the duties and liabilities now imposed upon said office.

JORDAN STOKES,

*Speaker of the House of Representatives.*

M. R. HILL,

*Speaker of the Senate.*

Passed, December 9, 1851.

## CHAPTER VI.

AN ACT to legalize and make good the registration of Deeds and other instruments of writing of this State.

*Be it enacted by the General Assembly of the State of Tennessee,* That in all cases where deeds or other instruments, necessary to be registered by the laws of this State, which heretofore have been registered by any person, by and under the direction of the Register of Fentress county, shall be as good and legal, either in law or equity, as if the same had been done by the register in proper person. *Provided,* the original instrument in all cases be correctly copied, and that this act take effect from the passage of the same.

JORDAN STOKES,

*Speaker of the House of Representatives.*

M. R. HILL,

*Speaker of the Senate.*

Passed, November 21st, 1851.

## CHAPTER VII.

AN ACT to incorporate the Town of South Nashville.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the inhabitants of the town of South Nashville, in the county of Davidson, heretofore incorporated by the county court of said county, under the general law passed at the last session of the Legislature, authorizing the county courts to grant charters of incorporation, be, and are hereby incorporated in the name of the Mayor and Aldermen of South Nashville, with all the powers, privileges, rights and immunities said general law was intended to confer, and with the limits and boundaries heretofore laid off and designated, and with jurisdiction, power and authority within, and to said limits and boundaries. Charter confirmed.

SEC. 2. *Be it enacted,* That the Mayor and Aldermen and all other officers of said town heretofore elected according to the former charter and existing laws, shall have all the power and authority as such officers, which the said former charter and laws conferred upon them, and which the said county court had power or intended to confer, and that they shall hold their offices Powers.

and exercise said powers according to existing laws and the requirement of said charter, and that all their acts done under, and by virtue of said charter and laws, be and hereby declared in full force and validity, so far as the same can be done by this legislature, as if they had been done under and by virtue of a charter granted by the General Assembly of the State of Tennessee.

JORDAN STOKES,  
*Speaker of the House of Representatives.*  
 M. R. HILL,  
*Speaker of the Senate.*

Passed, November 18th, 1851.

## CHAPTER VIII.

AN ACT to amend the act of 1804, chap. 2, sec. 2, to raise the fees of Witnesses before Justices of the Peace.

*Be it enacted by the General Assembly of the State of Tennessee,* That each witness attending before a Justice of the Peace, shall for every day he or she shall attend, receive as compensation, the sum of fifty cents, when the witness lives over five miles, to be taxed with bill of costs and paid by the party costs.

JORDAN STOKES,  
*Speaker of the House of Representatives.*  
 M. R. HILL,  
*Speaker of the Senate.*

Passed, November 21st, 1851.

## CHAPTER IX.

AN ACT to repeal an act of the General Assembly, entitled an act to authorize the laying out of a public road from the town of Athens in McMinn county, to Tellico Plains in Monroe county.

*Be it enacted by the General Assembly of the State of Tennessee,* That an act of the General Assembly, passed February, 1850, entitled "an act to authorize the laying out of a public road from the town of

Athens in the county of McMinn, to Tellico Plains in the county of Monroe, except the 4th and 5th sections of said act, be and the same is hereby repealed.

JORDAN STOKES,

*Speaker of the House of Representatives.*

M. R. HILL,

*Speaker of the Senate.*

Passed, November 18th, 1851.

## CHAPTER X.

AN ACT giving to Householdors power to lay off Dowers, Roads, &c.

*Be it enacted by the General Assembly of the State of Tennessee,* That Householdors shall hereafter be competent persons to lay off and set apart Dowers, view and mark out public roads, and appraise estray property.

JORDAN STOKES.

*Speaker of the House of Representatives.*

M. R. HILL,

*Speaker of the Senate.*

Passed, November 18, 1851.

## CHAPTER XI.

AN ACT to amend an act, passed February 4th, 1848, entitled an act, authorizing Carrick W. Nelson, of the county of Carter, to build a turnpike road, and for other purposes.

*Whereas,* Ansil Carden, of the county of Carter, has purchased of Carrick W. Nelson, the privilege of building a turnpike road, which privilege was granted to said Nelson by an act passed February 4th, 1848, entitled, an act authorizing Carrick W. Nelson, of the county of Carter, to build a turnpike road, and for other purposes. Therefore,

SECTION. 1. *-Be it enacted by the General Assembly of the State of Tennessee,* That the said Ansil Carden, shall stand in the same relation, have the same privileges, be subject to the same pains and penalties, rules and regulations, as if the said act of incorporation

had been granted to the said Carden, in his own proper name.

SEC. 2. *Be it further enacted*, That the said Ansil Carden, shall have the further time of two years beyond the time originally granted to complete said road.

SEC. 3. *Be it further enacted*, That said Ansil Carden, shall have the privilege of setting up two gates on said road when completed. *Provided*, he shall not be allowed to receive toll at but one gate for each transit over said road.

SEC. 4. *Be it further enacted*, That said road when completed shall be known by the name and style of Ansil Carden's turnpike road.

JORDAN STOKES,

*Speaker of the House of Representatives.*

M. R. HILL,

*Speaker of the Senate.*

Passed, November 25th, 1851.

## CHAPTER XII.

AN ACT to incorporate the Montgomery Masonic College.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That there shall hereafter be established at the city of Clarksville, and State of Tennessee, an institution of learning, to be known and styled the Montgomery Masonic College.

Trustees,

SEC. 2. *Be it further enacted*, That the following named persons to wit: Cave Johnson, J. T. Hendrick, Jno. S. Hart, G. A. Henry, C. L. Wilcox, Wm. M. Stewart, T. Anderson, J. Cobb, W. A. Quarles, E. Howard, J. O. Shackelford, S. A. Sawyer, T. F. Pettus and J. H. Marable, are hereby appointed Trustees for said College, and full power is given them to do all things necessary for the welfare and prosperity of said College, under the restrictions hereinafter mentioned, until their successors in office are appointed as is hereinafter specified.

Powers of Board.

SEC. 3. *Be it further enacted*, That the said College shall be under the government and control of the aforesaid Board of Trustees and their successors in office, to be appointed by the Masonic bodies of the county of Montgomery, which said board shall be elected for a term of office at a time, and in the proportion that

the different Lodges and Masonic bodies of the said county may agree upon among themselves; and in case of a vacancy by death, resignation or otherwise, the same shall be filled by the appointment of the President of the board, and shall hold his office until his place is filled by the election of the Lodge or Masonic body having the right so to do, under the apportionment made as above provided, and said Trustees elected as aforesaid, shall have full power to elect professors and teachers for said College, and they shall elect one of said professors President of the College, and said professor so elected, shall be *ex officio*, President of the Board of Trustees, and shall hold his office until a successor is appointed. Said Board shall have full power to enact such ordinances and by-laws as they may deem best and proper for the efficient regulation and government of said College, and do whatever else they may think promotive of the prosperity and usefulness of said College, not incompatible with the constitution and laws of the United States and the State of Tennessee.

SEC. 4. *Be it further enacted*, That any five of said Trustees shall constitute a quorum for the transaction of business. Quorum.

SEC. 5. *Be it further enacted*, That the said Board of Trustees and their successors in office elected, above specified, shall be, and they are hereby declared and established to be one body politic and corporate, with perpetual succession, by the name and style of the Montgomery Masonic College, by which name and title they, the said Trustees and their successors, shall be capable in law and in equity, to take to themselves and their successors for the use of said College, any estate in lands, tenements, hereditaments, goods, chattels, monies, or other effects by gift, grant, bargain, sale, will, devise or bequest of any person or persons, or bodies politic and corporate, and the same lands, tenements, hereditaments, goods, chattels, monies or other effects to grant, bargain, sell, convey, demise and place out on interest, or otherwise dispose of for the use of said College, in such manner as to them may seem most beneficial, and by the same name to sue or to be sued, plead or be impleaded, in any court of law or equity in all manner of suits or actions whatever, and generally by and in the same name to do and transact all and every the business touching and concerning the premises as fully and effectually as any natural person or body corporate within this State have power to manage their own concerns. Incorporation.

**SEC. 6.** *Be it further enacted,* That no misnomer of the said corporation, shall defeat any gift, grant or bequest to, or from said corporation; nor shall any misuser or non-user of the rights, liberties or privileges hereby granted to the said corporation create or cause a forfeiture thereof.

**SEC. 7.** *Be it further enacted,* That the said Board of Trustees, by the recommendation of the Professors of said institution, shall grant to such students as may be deemed worthy of the same, the marks of distinction usually conferred by other Colleges, that is to say the usual Academic degrees, to wit: That of proficient in certain special departments, that of Graduate in a school, that of Bachelor of Arts, and that of Master of Arts, and full power is here given and granted said Trustees to make such needful rules and regulations in the conferring said honors and degrees, as they may think most advisable and most to the interest of said Masonic College. *Provided,* Nevertheless, that in no case, the said Board have the power in the exercise of such discretion, to confer Honorary degrees upon any person whatever.

**SEC. 8.** *Be it further enacted,* That the certificates and diplomas granted by said Trustees, shall be signed by the president, by the professor or professors, (as the case may require,) and by the secretary of the Board of Trustees, and when so signed and sealed, as hereinafter provided, shall have all the authority and rights, influence and respectability, which is secured by law, to the certificates and diplomas of any other institution of learning in the State.

**SEC. 9.** *Be it further enacted,* That the said Trustees shall cause to be made for their use, one common seal, with such devices and inscriptions thereon as they shall think proper, under and by which all deeds, diplomas, certificates, and acts of the said corporation shall pass and be authenticated, and the same seal at their pleasure to break and devise a new one.

JORDAN STOKES,

*Speaker of the House of Representatives.*

M. R. HILL,

*Speaker of the Senate.*

Passed, November 11th, 1851.

## CHAPTER XIII.

*AN ACT to incorporate the City of Chattanooga and for other purposes.*

**SECTION 1.** *Be it enacted by the General Assembly of the State of Tennessee,* That the inhabitants of the city of Chattanooga, are hereby constituted a corporation and city politic, by the name and style of the Mayor and Aldermen of the city of Chattanooga, and by the same name shall have perpetual succession, may sue and be sued, plead and be impleaded, in all courts of law and equity, and in all actions whatsoever, may purchase, receive and hold property, real and personal, within said city, and may sell, lease, or dispose of the same for the benefit of said city, and may purchase, receive and hold property, real and personal, beyond the limits of the city, to be used for the burial of the dead, for the erection of water-works, for the establishment of a hospital, poor house, work house or house of correction, and may sell, lease, or dispose of said property for the benefit of the city, and do all other acts touching the same as natural persons, and shall have and use a common seal and change it at pleasure. Incorporation.

**SEC. 2.** The boundary of the city shall be as follows: Beginning at the north-east corner of the south-west fractional quarter of fractional section twenty-one, second fractional township, fourth range west of the base line in the Ocoee district, thence south twenty west to the south-east corner of the north-west quarter of section thirty-three, thence north seventy, west to the middle of the Tennessee River, thence up the middle of the river to a point opposite the beginning, then in a direct line to the beginning: Provided however that the land included, outside of the present boundary of Chattanooga, shall not be subject to a corporation tax while held as woodland or for farming purposes, but may be taxed, whenever laid off and sold occupied as town lots. Boundaries.

**SEC. 3.** There shall be a city council to consist of Mayor and Aldermen. The board of Aldermen shall consist of two members from each ward, chosen by the qualified voters of each ward respectively for one year. No person shall be an Alderman, unless he be a citizen of the state of Tennessee and a bona fide resident and a free holder in the ward for which he is elected, any Alderman after his election, removing from, or ceasing to be a free holder in his ward, shall thereby vacate his said office. Each Alderman Mayor and Aldermen.

shall before entering upon the duties of his office, take an oath that he will faithfully demean himself in said office. All vacancies in the board of Aldermen shall be filled by the vote of a majority of the remaining members.

**Mayor—powers and duties.** SEC. 4. The Mayor shall be elected by the qualified voters of the city, and shall hold his office for one year and until his successor shall be elected and qualified. No person shall be elected Mayor, who is not at the time of his election a citizen of the State of Tennessee and *bona fide* resident and free holder of said city. Where two or more persons shall have an equal number of votes for the office of Mayor, the election shall be decided by a majority of the votes of the council elect. A vacancy in the office of Mayor, shall be filled in the same manner. The Mayor may fill all vacancies occurring in any office except that of Alderman, until the same be filled by election. It shall be the duty of the Mayor to preside at all the meetings of the council, to take care that all the ordinances of the city are duly enforced, respected and observed within the city, to take an oath of office before he enters upon the duties of the same, and to call special sessions of the council when he may deem it expedient.

**Powers of City Council.** SEC. 5. The city council shall have full power and authority, to appoint all officers, servants and agents of the corporation; to fill such offices, as they may deem necessary to create by ordinance, and shall fix the compensation of such officers. They shall have power (a majority of the whole board concurring) to dismiss any officer, servant or agent by them appointed.

**Wards.** SEC. 6 The present board of Mayor and Aldermen, shall before the 10th day of December next, lay off the city into at least four wards, and the board of Mayor and Aldermen of said city may at any time lay off new wards, and adjust or change existing ones, always giving at least twenty days notice of such change, before any annual election for Aldermen.

**Elections.** SEC. 7. An election for Mayor and Aldermen shall be held in each ward of said city, by the judges of election, appointed by the existing board of Mayor and Aldermen of said city on the last Thursday in December. The voters shall vote by ballot, and only in the wards in which they may reside. Non resident free holders, may vote in the ward where their freehold is situated, and not else where. Judges of elections shall be appointed by the council for each ward, who shall take an oath, to faithfully and impartially discharge their

duties; they shall open the polls at ten o'clock in the forenoon, and close them at four o'clock in the afternoon, when they shall forthwith proceed to ascertain and certify to the existing Mayor, the result of said election. All persons owning a freehold in said city, and all persons resident therein, who would be qualified to vote for members of the General Assembly, shall be qualified to vote at such election. In all cases of a tie in the election of an alderman, the election shall be referred back by the Mayor, to the voters of the ward, and held as before within the next succeeding ten days. The Mayor and Aldermen elect shall meet on the first Monday in each and every year, and be qualified and enter upon the discharge of their duties. Two thirds of the whole number of aldermen elect being a quorum competent to transact business.

**Sec. 8.** The Mayor and Aldermen shall have power by ordinance within the city: Powers of Mayor and Aldermen.

1st. To levy and collect taxes upon all property taxable by law for state purposes.

2nd. To levy and collect taxes, upon all privileges and polls taxable by the laws of the state.

3d. To appropriate money and provide for the payment of the debt and expenses of the city.

4th. To make regulations to prevent the introduction of contagious diseases into the city, to make quarantine laws for the purpose, and enforce the same within the corporate limits of the city.

5th. To establish hospitals, and make regulations for the government thereof.

6th. To establish a system of free and other schools and to regulate the same.

7th. To make regulations to secure the general health of the inhabitants, and to prevent and remove nuisances.

8th. To provide the city with water, by water works or otherwise within or beyond the boundaries of the city.

9th. To open, alter, abolish, widen, extend, establish, grade, have or otherwise improve, clean and keep in repair, streets, alleys and sidewalks, or to have the same done.

10th. To erect, establish and keep in repair, bridges, culverts, sewers and gutters.

11th. To provide for lighting the streets.

12th. To establish, support, and regulate night watch and patrol.

13th. To erect market houses, establish markets and regulate the same.

Powers of Mayor  
and Aldermen.

14th. To provide for the erection of all buildings necessary for the use of the city.

15th. To provide for enclosing, improving, and regulating all public grounds belonging to the city, in or out of the corporate limits.

16th. To erect and repair public wharves, and regulate all wharves, docks and landings, and to fix the rate of wharfage thereat, and to regulate ferries.

17th. To restrain and prohibit gaming.

18th. To license, tax and regulate auctioneers, grocers, merchants, retailers, taverns, brokers, bank agencies, coffee houses, confectionaries, retailers of liquors, hawkers, pedlars, ten pin alleys, livery stable keepers and negro traders.

19th. To license, tax and regulate hackney carriages, carts, omnibuses, wagons and drays, and to fix the rates to be charged for the carriage of persons and of property within the city, and to the public works without the limits of the city.

20th. To license and regulate porters and fix the rate of portorage.

21st. To license, tax and regulate, suppress theatricals and other exhibitions, shows, and amusements.

22d. To regulate or prohibit and suppress all disorderly houses, and bawdy houses.

23d. To provide for the prevention and extinguishment of fires, to organize and establish fire companies, to regulate, restrain or prohibit, the erection of wooden buildings in any part of the city, to regulate and prevent the carrying on of manufactories, dangerous in causing or producing fires.

24th. To regulate the storage of gunpowder, tar, pitch, rosin, salt petre, gun cotton and all other combustible materials, and the use of lights, candles, and stove pipes, in all stables, shops and other places.

25th. To establish standard weights and measures, and regulate the weights and measures, to be used in the city in all cases, not otherwise provided for by law.

26th. To provide and establish necessary inspections for the city.

27th. To regulate the police of the city, to impose fines, forfeitures, and penalties, for the breach of any ordinance, and to provide for their recovery and appropriation, and to appoint an officer or officers for the city, being a justice of the peace or recorder, before whom such recovery may be had, not however to exclude the jurisdiction of other justices of the peace in said city.

28th. To provide for the arrest and confinement,

until trial, of all riotous and disorderly persons within the city, by day or by night, to authorize the arrest and detention of all free negroes, slaves, or suspicious persons, and violating any ordinance of the city, to regulate the time and circumstances, at and under which negroes and slaves may be absent from their respective places of abode, and direct the punishment for the breach of such regulations. Powers of Mayor and Aldermen.

22. To prevent and punish by pecuniary penalties all breaches of the peace, noise, disturbances, sabbath breaking or disorderly assemblies in any street, house, or place in the city, by day or by night.

23. To remove all obstructions from the side walks, and to provide for the construction and repair of all side walks, and for cleaning the same, at the expense of the owners of the ground fronting thereto.

31. To pass all ordinances not contrary to the constitution and laws of the State, that may be necessary to carry out the full intent and meaning of this act, and to accomplish the object of their incorporation.

Sec. 9. All ordinances and resolutions heretofore enacted by the Mayor and Aldermen of the town of Chattanooga, and not repealed or rescinded by them, shall be and remain in full force until altered, modified, or repealed under this act. Former ordinances in force

Sec. 10. The recorder of the city of Chattanooga, be, and he is hereby invested with concurrent jurisdiction with justices of the peace, in all cases of violation of the criminal laws of the State, or of the ordinances of the Mayor and Aldermen of the city of Chattanooga, within the limits of said city. Recorder's jurisdiction.

Sec. 11. That the city council of Chattanooga, shall have power to erect a lock-up house or calaboose, for the safe keeping of prisoners, and where any person arrested of a violation of any ordinance of said corporation, and fails or refuses to pay, or secure to be paid a fine and costs accruing thereon, the Mayor and Aldermen may provide by ordinance for their confinement in such lock-up house, until the fine and costs are paid, until they are regularly discharged by an oath of solvency, first giving the Mayor ten days notice in writing of such intention. Lock-up house.

Sec. 12. That the territory included in the boundary of the city of Chattanooga, as defined in the second section of this act, shall be, and constitute a civil district of Hamilton-county, and shall be entitled to elect justices of the peace. Civil District.

Sec. 13. That the corporation Constable shall have

**Constable.** power to execute State warrants, and other process which constables generally have power to execute within the limits of the corporation.

**Power to borrow money.** SEC. 14. That the corporation of the city of Chattanooga, shall have full power to borrow money on its bonds for any object that its authorities may determine to be important to the promotion of its welfare, and that is not made improper by existing laws. *Provide* that the sum borrowed, under the provisions of this section, shall not exceed the sum of twenty thousand dollars, nor bear a higher rate of interest than six per cent per annum, and that nothing herein contained shall be so construed as conferring on said corporation a power to issue paper that shall circulate as money.

**May take stock.** SEC. 15. The said corporation shall have power to subscribe for stock in any railroad or turnpike road company, and pay for the same with its bonds, or otherwise, in addition to the loan authorized by this previous section.

SEC. 16. That all acts and parts of acts, contrary and inconsistent with the provisions of this act, within the purview thereof, are hereby repealed.

**Corporation of Brownsville.** SEC. 17. *Be it further enacted*, That the charter incorporating the town of Brownsville, in Haywood county, be and the same is hereby so amended, as to confer on the Mayor of said town, all the powers of justice of the peace, within the limits of said corporation, so far as may be necessary to enforce the ordinances of said corporation, and so far as to empower the Mayor to take depositions, to administer oaths and affidavits, bills, answers, and such other instruments in writing, as by law may be verified by oath before justice of the peace, and to commit runaway slaves

JORDAN STOKES,

*Speaker of the House of Representatives*

M. R. HILL,

*Speaker of the Senate*

Passed, November 5th, 1851.

## CHAPTER XIV.

AN ACT to authorize duplicate warrant in favor of Trustee of Carroll county.

Whereas, on the 30th July, 1851, the Comptroller of the Treasury issued warrant No. 1132 for nineteen hundred and thirty-three dollars fifty-two cents, amount due county of Carroll on account of distribution share of school fund for the year 1851, which warrant was enclosed in a letter deposited in the Post Office, and addressed to Chira Wilder, Trustee of Carroll county, and was never by him received as appears from his affidavit, nor has the same been paid by the Treasurer to him or to any other person, but remains still due to the county of Carroll. Therefore,

Comptroller to  
issue warrant

Be it enacted by the General Assembly of the State of Tennessee, That the Comptroller of the Treasury be and he is hereby authorized and directed to issue another warrant to the Trustee of Carroll county for the sum of nineteen hundred and thirty-three dollars fifty-two cents (\$1933 52,) to be by the trustee of said county distributed among the various school districts of the county of Carroll in the manner directed by the laws now in force regulating the distribution of the school fund.

Sec. 2. Be it further enacted, That the President of the Bank of Tennessee shall first notify all the branches of said Bank not to take in or pay said lost warrant, No. 1132 and after the President of the Bank of Tennessee shall have received information that said lost warrant, No. 1132, has not been paid, the Comptroller of the Treasury is authorized to issue a duplicate warrant No. 1132 to Trustee of Carroll county for nineteen hundred and thirty-three dollars and fifty-two cents.

Bank not to pay  
lost warrant.

JORDAN STOKES,

Speaker of the House of Representatives.

M. R. HILL,

Speaker of the Senate.

And November 21, 1851.

## CHAPTER XV.

AN ACT to amend the act of the 2d day of February, 1850, chapter 267, entitled "an act to amend an act for the punishment of small offences," passed the 1st day of January, 1848.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the first section of the act of the 2d day of February, 1850, chapter 267, be amended thus, that all the residue of the said first section of said act after the word "defendant" in the second line from the end of that section be omitted, and that the said section, from and after the word "defendant" in the second line of said first section shall read thus: "*Provided*, The justice, upon hearing the testimony, be of opinion, that the offence is of such an aggravated character that the fine should be over fifty dollars, in that case he shall recognize the defendant to appear at the next term of the circuit court and there answer the charge; but if the justice be of opinion that the crime is not of such an aggravated character as to be fined over fifty dollars, then said justice shall proceed to fine the defendant not under two dollars and not exceeding fifty dollars according to the magnitude of the offence.

SEC. 2. *Be it further enacted*, That when the person or persons, upon whom the violence may have been committed, secretes him, her or themselves so as to avoid the service of process, or when he, she or they having been duly notified by the proper officer, of the time and place of trial, fail or refuse to appear, then, in either of the said cases, the magistrate shall upon the plea of guilty of the defendant or defendants, have jurisdiction to hear and determine the case, upon the evidence before him, in as full a manner as though the person or persons upon whom the violence was committed was or were present, and giving evidence in the case.

JORDAN STOKES,

*Speaker of the House of Representatives.*

M. R. HILL,

*Speaker of the Senate.*

Passed, December 1, 1851.

## CHAPTER XVI.

AN ACT to amend an act, entitled "an act to amend the charter of the Bank of Tennessee," passed January 29th, 1840.

*Be it enacted by the General Assembly of the State of Tennessee,* That the first section of an act, passed January 29th, 1840, entitled "an act to amend an act, chartering the Bank of Tennessee," be so amended as to authorize the appointment of seven directors, who shall reside in Sparta, or White county, instead of five. *Provided further,* That this act shall not prevent the appointment of one director from each county composing said bank district, and that this act shall take effect from and after its passage.

JORDAN STOKES,

*Speaker of the House of Representatives.*

M. R. HILL,

*Speaker of the Senate.*

Passed, December 5, 1851.

## CHAPTER XVII.

AN ACT to authorize the bringing of suits, by personal representatives, in certain cases, and for other purposes.

*Be it enacted by the General Assembly of the State of Tennessee,* That when the death of one is caused by the wrongful act or omission of another, the personal representatives of the former may maintain an action against the latter, if the former might have maintained an action, had he lived, against the latter for an injury caused by the same act or omission; and the amount recovered is to be for the exclusive benefit of the widow, and next of kin, to be distributed to them in the same proportions as the personal property of the deceased person.

JORDAN STOKES,

*Speaker of the House of Representatives.*

M. R. HILL,

*Speaker of the Senate.*

Passed, December 1, 1851.

## CHAPTER XVIII.

AN ACT supplemental to an act, passed January 30th, 1844, to incorporate the Fort Pickering Dry Dock Company.

*Be it enacted by the General Assembly of the State of Tennessee,* That the third section of the said act of incorporation be and is hereby repealed. And that in lieu of the original commissioners, to open books for the subscription of stock, that R. Topp, J. C. Jones, H. B. Morris, A. B. Shaw, P. Emmerson, E. Hickman, Daniel Saffarrans and H. Cobb, be and they are hereby appointed commissioners, any three of whom shall be authorized to open books for the subscription of stock in said company in the city of Memphis, at any time they may think proper, after giving due notice of the same in some of the newspapers published at Memphis. And that the amount of capital stock shall be discretionary with the said commissioners, but as soon as ten thousand dollars shall have been subscribed, the said commissioners shall appoint a day and place to hold an election for directors, as provided for in the fourth section of the said charter.

JORDAN STOKES,

*Speaker of the House of Representatives.*

M. R. HILL,

*Speaker of the Senate.*

Passed, November 28, 1851.

## CHAPTER XIX.

AN ACT to amend the charter of the Hyde's Ferry Turnpike Company.

*Be it enacted by the General Assembly of the State of Tennessee,* That the 10th section of an act, passed the 25th January, 1850, be so amended as to permit the Hyde's Ferry Turnpike Company to build their said turnpike road to the ford of Sycamore creek, at Sycamore Mills, and that so much of said tenth section as requires said company to construct said turnpike road to the ford of Sycamore creek, below White's (now Simms' mill,) be, and the same is hereby repealed.

JORDAN STOKES,

*Speaker of the House of Representatives.*

*Speaker of the Senate.*

Passed, November 26, 1851.

## CHAPTER XX.

AN ACT to alter the line between the counties of Cannon and Rutherford.

*Be it enacted by the General Assembly of the State of Tennessee,* That the line between the counties of Cannon and Rutherford, be, and the same is so altered as to include the camp ground, called Mount Pisgah, or Jones Camp Ground, in the county of Cannon.

JORDAN STOKES,

*Speaker of the House of Representatives.*

M. R. HILL,

*Speaker of the Senate..*

Passed, November 21, 1851.

## CHAPTER XXI.

AN ACT to authorize the Comptroller of the Treasury to pay to the Union Bank of Tennessee, the last quarter's salary of, Wm. B. Turley, deceased.

Whereas, the Hon. Wm. B. Turley, near the close of his life and of his eminent professional career, anticipated his quarter's salary as Judge of the Commercial and Criminal Court of Memphis, by depositing in the Branch of the Union Bank, at Jackson, a draft on the Treasury for four hundred and fifty dollars, on which, as collateral security, was predicated a note negotiated by said Turley in said bank for a like amount, which still remains unpaid at the Union Bank, at Nashville, in consequence of the fact that said Turley lived through only about two-thirds of the quarter thus drawn upon. Therefore,

*Be it enacted by the General Assembly of the State of Tennessee,* As a richly merited tribute of respect to the memory of an eminent jurist, whose fame is identified with the character of the State, that the Comptroller of the Treasury, be authorized and directed to liquidate said note, and thus allow the quarter's salary in full, and the production of said note shall be a voucher for the Treasurer in the settlement of his account.

JORDAN STOKES,

*Speaker of the House of Representatives.*

M. R. HILL,

*Speaker of the Senate.*

Passed, November 11, 1851.

## CHAPTER XXII.

AN ACT to re-enact and amend an act to establish the County of Union, passed 3rd January, 1850.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the above mentioned act is, and that the same be hereby revived and re-enacted, and in full force and effect, as if the same had not by its operation become repealed or extinct, with the following additional amendments and alterations.

Boundaries.

SEC. 2. That the boundary line of said county of Union, in and through the fraction taken from Knox county in forming the same, be that run and marked last by the commissioners named in the act this is intended to amend, with such alterations as the commissioners hereinafter appointed may think proper, and the same being legal under said act to make. And that the call for boundary in said act, calling from the top of the Log Mountains, north twenty-five east one hundred ninety-two poles to a sugar tree, near John Beeler's, being the true call.

Commissioners.

SEC. 3. That in lieu of the commissioners appointed in the act which this is intended to amend, that the following persons be and they are hereby appointed commissioners, with all the powers and privileges, and subject to the duties that are required of the commissioners heretofore appointed; Isaac C. Dyer, of Campbell county, William Neadham, of Claiborne county, John Bullard, of Grainger county, Hardin Scaggs, of Knox county, and James Turner, of Anderson county.

County Site.

SEC. 4. That the court house and county town of Union county, be and the same is hereby located, and to be laid off and built under the direction of said commissioners in the Raccoon Valley, near Liberty Meeting House in said Valley, on a site offered to be ceded gratuitously of some twenty-three acres, and warranted by the Rev. Mark Munroe and others to said commissioners for the purpose of locating said town. That the same be laid out and built on the most convenient and eligible point of such cession, after the said commissioners taking to themselves and their successors in office a deed in fee simple, with general warranty from the present owners of such cession, and any other that may be offered by them or by them purchased at or near said site.

SEC. 5. That an act passed by the General Assembly of the State of Tennessee, on the 1st of February, 1850, entitled "an act requiring notice to be given for the formation of new counties," be and the same is

hereby repealed, so far as it may conflict with the establishing of Union county, the citizens thereof having petitioned the legislature before the passage of said act.

SEC. 6. That if the new county of Union shall fail to organize against the first Saturday in March next, so that she may thereby fail to elect the necessary county officers, that the commissioners herein appointed, or such persons as they may designate, may at any time thereafter, said county may be organized, first giving twenty days notice at the voting in every district in said county, open and hold elections for all necessary county officers.

Elections.

SEC. 7. *Be it enacted*, That it shall be necessary to open and hold an election in all the different fractions composing the county of Union, to ascertain the assent or dissent.

SEC. 8. *Be it further enacted*, That the northern boundary line of Union county be changed in the following manner: Leaving Powell's river eighty poles above Fullington's saw-mill; run thence a south west course to the head of a hollow near Thomas Brantly's; leaving said Brantly in Campbell county; thence down said hollow to Powell's river, below Quinton Sweat's, leaving said Sweat in Campbell county.

Boundaries.

SEC. 9. *Be it enacted*, That said Union county shall be constituted and formed according to the above provisions. *Provided*, No one of the old counties, from which a fraction is taken, shall be reduced below the number of square miles required by the constitution of the State.

SEC. 10. *Be it enacted*, That any sheriff or revenue collectors who have gone out of office, or those now in office from all the counties from which fractions are taken off, for the formation of Union county, shall have two years, from and after the passage of this act, to collect any taxes which are now due and unpaid to said sheriffs, with as full power and authority as though no such county had been formed.

Revenue Collectors.

JORDAN STOKES,

*Speaker of the House of Representatives.*

M. R. HILL,

*Speaker of the Senate.*

Passed, December 6, 1851.

## CHAPTER XXIII.

AN ACT to incorporate the Louisville and Nashville Railroad Company.

**Incorporation.** SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the right of way for the construction of a railroad from the line between the States of Kentucky and Tennessee, so as to connect the cities of Louisville and Nashville by railroad communication, be and is hereby granted to the Louisville and Nashville Railroad Company, incorporated by the Legislature of Kentucky, with all the rights, powers and privileges, and subject to all the restrictions and liabilities set forth and prescribed in a charter granted to said company by the Legislature of Kentucky, and approved March the 5th, 1850, and the amendments thereto, passed by said legislature and approved March the 20th, 1851, for the term of nine hundred and ninety-nine years, except as further provided in this act.

**Route.** SEC. 2. *Be it further enacted,* That said company shall construct said railroad from the boundary line between said States, beginning at said line where it shall be intersected by that part of said railroad, which is to be within the State of Kentucky, to (a point within or convenient to) the city of Nashville. *Provided,* That in the construction of said railroad, said company shall commence at each end of the line at the same time, and continue the work from each end until said railroad is completed. *Provided further,* That said company shall not be compelled to use the capital stock subscribed and paid in by the citizens, companies, corporations or counties in the State of Kentucky, in the construction of that part of said railroad lying in the State of Tennessee, until the part thereof, lying in Kentucky is completed.

**Tariff of charges.** SEC. 3. *Be it further enacted,* That so soon as said company shall have completed five miles of said railroad from Nashville, they may commence and prosecute their business, as provided in the twenty-first section of said charter. That the tariff of charges for the transportation of passengers, and for goods, wares, merchandize and other articles and commodities, shall be equal on all parts of said railroad in proportion to distance, and that equal facilities for the transportation of the same in either direction shall be furnished.

**Directors in Tennessee.** SEC. 4. *Be it further enacted,* That the stockholders in the State of Tennessee, shall be entitled to be represented in said company by directors residing in Tennessee, in proportion to their stock, to be chosen by the

stockholders of the company in the manner and at the time the other directors are chosen.

SEC. 5. *Be it further enacted*, That nothing in this act, or in said charter or amendments thereto, shall be so construed as to prohibit the Legislature of Tennessee from passing any law authorizing the construction of railroads within this State parallel to, crossing or to unite with said railroad from Louisville to Nashville, and the State Tennessee reserves the right so to do. Other Roads.

SEC. 6. *Be it further enacted*, That the twentieth section of said charter, and the fourth section of the amendments thereto, shall be void and of no force or effect within this State.

SEC. 7. *And be it further enacted*, That the 23d, 24th, 25th and 29th sections of the act of the 11th December, 1845, incorporating the Nashville and Chattanooga Railroad Company, be and are hereby made a part of the said charter of the Louisville and Nashville Railroad Company, to be in force within this State, and that this bill shall take effect from and after its passage. Other Powers.  
*Provided*, That the Commonwealth of Kentucky shall grant to the State of Tennessee, or to such companies as the General Assembly may charter, the right of way from Nashville to intersect with the Lexington and Danville Railroad, or Danville, Harrodsburg, or such other point, on that road, as the company may designate, (provided it does not interfere with any vested rights of the citizens of Kentucky,) with the like powers and privileges granted to this company.

SEC. 8. *Be it further enacted*, That the company shall bring said railway to the city of Nashville, or South Nashville, and locate their depot convenient to the Nashville and Chattanooga Railroad, so as to form the connection. To connect with Nashville and Chattanooga R<sup>r</sup> Road.

JORDAN STOKES,

*Speaker of the House of Representatives.*

M. R. HILL,

*Speaker of the Senate.*

Passed, December 4, 1851.

## CHAPTER XXIV.

AN ACT to make valid certain acts of the Trustees of Tennessee Academy, in Rhea county, and for other purposes.

SECTION 1. Whereas, by an act passed November 14th, 1849, authorizing the Trustees of Tennessee Academy to use a part of the Academy fund, belonging to said Institution, for the purposes of purchasing a lot and erecting suitable buildings thereon.

And whereas, said trustees have purchased a larger quantity of land, with said fund, than was necessary for the erection of said building. Therefore,

*Be it enacted by the General Assembly of the State of Tennessee,* That the title to said land, so purchased by said trustees, be and is hereby vested in the trustees of said institution for the use and benefit of said academy.

SEC. 2. *Be it further enacted,* That all acts and contracts entered into by said trustees, relative to the purchase of said land or the sale of said land, be as binding upon them as if entered into after the passage of this act.

SEC. 3. *Be it further enacted,* That the trustees of said academy are hereby authorized to sell any part or all of said lands, when they may think it to the interest of said academy to dispose of the same.

JORDAN STOKES,

*Speaker of the House of Representatives.*

M. R. HILL,

*Speaker of the Senate.*

Passed, November 26, 1851.

## CHAPTER XXV.

AN ACT to incorporate Huntsville Academy, in the county of Scott.

Incorporation.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That there is hereby established, for the county of Scott, an Academy, called Huntsville Academy, to be located at Huntsville, in said county of Scott, to have and possess all rights, claims, advantages and immunities, which by any of the existing laws of this State are allowed to any of the county academies in this State.

SEC. 2. *Be it further enacted*, That Dennis Trammel, Absolom Cross, James Reed, John L. Smith and Culberth Webb, are hereby appointed Trustees of said Academy, and constitute a body politic and corporate, may sue and be sued, plead and be impleaded in any court of law or equity in this State, or elsewhere. And said trustees, by the name aforesaid, shall be capable in law, or otherwise, to purchase, receive, and hold to themselves and their successors, any lands, tenements, goods or chattles which shall be given, granted or divided to them, or purchased by them, for the use and benefit of said Academy; and to appropriate, use and dispose of the same in such manner as to them may seem fit and proper for the use and benefit of said Academy.

SEC. 3. *Be it further enacted*, That said trustees, and their successors, shall have power to hold such meetings, at such times and places as may be agreed upon, from time to time, by a majority of the trustees aforesaid. A president, directors and treasurer of said board, not less than three members of said board shall constitute a quorum to do business relating to the management, interest and government of said Academy. And the county court of said county shall have the power to fill all vacancies that may happen by death, resignation or otherwise.

SEC. 4. *Be it enacted*, That said board of trustees shall have power to make such by-laws, rules and regulations relating to said Academy and the government thereof, and their own proceedings, as a majority of said board may deem right and proper, provided they are not inconsistent with the constitution and laws of the United States and of the State of Tennessee.

JORDAN STOKES,

*Speaker of the House of Representatives.*

M. R. HILL,

*Speaker of the Senate.*

Passed, December 5, 1851.

## CHAPTER XXVI.

AN ACT to provide for the payment of the sum due for the block of Marble furnished by the State of Tennessee for the construction of the Washington Monument.

*Be it enacted by the General Assembly of the State of Tennessee, That the Comptroller of the Treasury be, and he is hereby directed and authorized, to issue a warrant to Orville Rice, of the county of Hawkins, Tennessee, for the sum of three hundred dollars, the amount due him for a block of Marble furnished by him and sent on to Washington City, for the Washington Monument, which block was furnished under Resolution of the General Assembly of Tennessee.*

JORDAN STOKES,

*Speaker of the House of Representatives.*

M. R. HILL,

*Speaker of the Senate.*

Passed, December 5, 1851.

## CHAPTER XXVII.

AN ACT to charter the Manchester and Tullahoma, and the Hillsboro and Tullahoma Turnpike Companies.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee, That Robert Lassater, Bushaw, Uriah Sherrill, William P. Hickerson, Thomas A. Anderson, Lytle Hickerson, Vanalbode Anderson, William A. Hickerson, James Rodes, George Jackson Waite, Lott Banks, Daniel McClain, James Darnell, Edmund Jackson, William Moore, B. D. Hollins, J. Grizzard, Joseph Anderson, M. Pearson, Pierce E. Anderson, and James E. Hogan, or any five of them, be and they are hereby appointed commissioners to open books to receive subscriptions for the purpose of building a Turnpike Road from Manchester, in the county of Coffee, to intersect the Nashville and Chattanooga Railroad at Tullahoma, in the same county. The said subscription may be made payable in money or in work to be performed on said road to an amount sufficient to build the same. So soon as subscription shall be made sufficient to build five miles of said road a meeting of the stockholders shall be called by the commissioners at such place as they may select, after which meeting the said stockholders, and those who*

Manchester and  
Tullahoma Turn-  
pike.

may thereafter become stockholders, shall be, and they are hereby constituted a body politic and corporate, by the name of the Manchester and Tullahoma Turnpike Company, and shall possess all the rights, powers and privileges, and be subject to the conditions, limitations and restrictions granted to and imposed upon the Western Central Turnpike Company, chartered by an act, passed December 21st, 1849.

SEC. 2. That Benj. T. Hollins, Lawson Wildman, Joseph M. Howe, John Charles, A. B. Davis, William Mooney, Wyatt Lane, Levi C. Wildman, Benjamin F. Jenkins, Jacob C. Talley, A. E. Rutherford, Samuel J. Crockett, Thomas A. Anderson, William Moore, J. Grizzard, B. D. Hollins, Joseph Anderson, M. Pearson, Pierce B. Anderson, and James E. Hogan, or any five of them, be and they are hereby appointed commissioners to open books and receive subscriptions for the purpose of building a turnpike road from Hillboro, in the county of Coffee, to intersect the Nashville and Chattanooga Railroad at Tullahoma. The said subscription may be made payable in money or work, to be performed on said road, to an amount sufficient to build the same. So soon as subscriptions shall be made sufficient to build five miles of said road, a meeting of the stockholders shall be called by the commissioners at such place as they may select. After which meeting the said stockholders, and those who may thereafter become stockholders, shall be, and they are hereby constituted a body politic and corporate by the name of the Hillsboro and Tullahoma Turnpike Company, and shall possess all the rights, powers and privileges, and be subject to the conditions, limitations and restrictions granted to and imposed upon the Western Central Turnpike Company chartered by an act, passed December 21st, 1849.

Hillsboro and  
Tullahoma Turn-  
pike.

SEC. 3. That the companies incorporated by this act shall be and they are hereby authorized to demand and receive toll at each gate at the same rates as by an act passed 21st December, 1849, allowed to the Western Central Turnpike Company.

JORDAN STOKES,

*Speaker of the House of Representatives.*

M. R. HILL,

*Speaker of the Senate.*

Passed, November 25, 1851.

## CHAPTER XXVIII.

AN ACT to amend the charter of the Shelbyville, Farmington and Lewisburg Turnpike Company.

SECTION 1. *Be it, enacted by the General Assembly of the State of Tennessee,* That the charter of the Shelbyville, Farmington and Lewisburg Turnpike Company, be so amended, that if said company may cause said road to be constructed in manner directed, to wit: to be opened thirty feet, graded twenty-five feet, the first coat of rock agreed to be sixteen feet wide, the second or last coat to be eight feet wide, each coat to be six inches deep, and the last coat to be of a size to come within the law, passed at the last session of the Legislature; and the bridges and culverts to be built in a strong, substantial and lasting style of workmanship and material, and to be above high water mark. *Provided,* Said road, in all other things, be constructed according to the provision of the original charter. *And provided further,* That the Legislature, when said road may be completed, may alter the rates of toll now authorized by said charter, should it be deemed necessary.

Toll Gates-

SEC. 2. *Be it further enacted,* That when ever said company shall have completed five miles, on any part of said road, according to the charter, said company may be authorized to erect a toll gate for the purpose of collecting toll.

JORDAN STOKES,

*Speaker of the House of Representatives.*

M. R. HILL,

*Speaker of the Senate.*

Passed, November 20, 1851.

## CHAPTER XXIX.

AN ACT to incorporate the Agricultural Manufacturing Company.

Incorporation-

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That a body corporate and politic, by the name and style of the Agricultural Manufacturing Company, for the purpose of manufacturing wagons, ploughs, and all other farming utensils, and implements of every description, together with railroad cars, and all other kinds of wagons and carts, is hereby con-

stituted and established, to continue and have succession for the term of ninety-nine years, to make and use a common seal, the same to alter at pleasure; to make such by-laws, not inconsistent with the laws of the State or of the United States, as it may deem useful or necessary for its government: to sue and be sued: to plead and be impleaded: to hold by purchase or otherwise, and to dispose of the same, any real or personal property which may be useful or necessary for carrying on its operations, or which it may become possessed of in payment of debts due to it, in whole or in part. *Provided*, The cost of such real estate, at any one time so held, shall not exceed the maximum amount of its capital stock hereinafter provided for.

Sec. 2. The capital stock of said company shall be divided into shares of one hundred dollars each, which shall be considered in law as personal property. Shall consist of not less than two hundred nor more than two thousand shares. Shall be transferable only on the books of the company, and then only with the consent of the board of directors, or a majority of them in session, unless the whole amount of such stock shall have been previously paid up in full, nor whilst the transferring stockholder shall in any wise be indebted to the company. The company shall have power to declare forfeited to it any shares of stock which may remain unpaid, in whole or in part, or it may sue for and recover such unpaid installments, before any court or other tribunal having jurisdiction over such suits, provided such forfeiture shall not be valid unless, made after thirty days notice of such call shall have been made in some newspaper published in the city of Nashville. The said company may at its pleasure, and in such manner as the directory may elect, increase its capital to any sum deemed advisable between the minimum and the maximum amounts heretofore provided for.

Capital Stock.

Sec. 3. All the stockholders, not having paid in the amount which shall have been made on their stock, shall be individually liable to the creditors of the company to the amount so remaining unpaid; and in like manner all the directors be individually bound for any amount they may declare and authorize to be paid to the stockholders as dividends, when at the time of so declaring and paying out, the company shall be unable to pay all debts due by it. To avoid such responsibility on his part, the dissenting director shall enter or cause to be entered on the minutes of the board his dissent hereto, or if not present when the act is done he shall record or cause to be recorded his dissent thereto.

Liability for dividends.

within the space of thirty days after such dividend shall have been authorized.

SEC. 4. That Geo. C. Allen, Timothy Walton, Abe Caruthers, Wm. Nichol, Wm. G. Harding, S. D. Morgan, Wm. B. Walton, A. W. Putnam, James Woods, C. E. Hillman, Wm. D. Philips, Mark Cockrill, Willo. Williams, Wm. Ledbetter, John B. Johnson, Harvey M. Watterson, John M. Bass, Thos. Smith, John Waters, F. K. Zollicoffer and Jacob McGavock are hereby appointed commissioners, who, or any three or more of them may, after having given ten days notice of the time and place, or times and places for so doing, open books for subscriptions to the capital stock of said company, and may keep such books open for subscriptions until the number of two hundred shares or a greater number, as they may decide, not exceeding the maximum number provided for, shall have been taken. So soon as the number of shares agreed on by the acting commissioners shall have been subscribed, they shall give not less than ten days notice, and the stockholders may proceed to elect from their own body a board of directors, each share entitling its owner to one vote in all elections by the stockholders, who may vote by proxy or in person for the said board of directors, or on any question submitted to a meeting of them. The said board of directors shall consist of five, one of whom shall be elected president, and he and the other members of the board shall hold their places for the term of one year, or until their successors shall have been elected. *Provided*, A failing so to do shall in no wise cause a forfeiture of this charter. *And also provided*. That no stockholder shall be entitled to vote, who may be in arrears of calls previously made on stock owned by him. The said president and board of directors shall elect, appoint, or employ all other officers, agents, managers, &c. &c.; necessary for conducting the affairs of said corporation, and affix their salaries, and do, on behalf of the company, all such other acts as are incident to such bodies; the said directory causing to be kept regular minutes of their proceedings, which shall be open to the inspection of any stockholder desiring to inspect the same.

JORDAN STOKES,

*Speaker of the House of Representatives.*

M. R. HILL,

*Speaker of the Senate.*

Passed, November 17, 1851.

## CHAPTER XXX.

AN ACT to vest in the Circuit Court the power to restore persons to the rights of citizenship.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the circuit courts shall have power and jurisdiction to restore any person to the rights of citizenship who may have been, or shall be, rendered infamous by the judgment of any of the courts of this State. A petition shall be filed for that purpose, and ten days notice given to the Attorney General for his district before the petition shall be heard. The court, before granting the prayer of the petition, shall be satisfied from the proof, that the petitioner has for the space of three years preceding the date of the application and since his conviction, sustained the character of a person of honesty, respectability and veracity. *Provided*, That persons convicted of crimes mentioned in the 5th, 7th, 55th, 56th, 57th, 58th, 59th and 60th sections of the act of 1829, chapter 23, shall be required to make proof that he has sustained the character of a person of honesty, respectability and veracity only for the space of six months since his conviction and preceding the application.

Sec. 2. The petitioner shall pay the cost of his application.

JORDAN STOKES,

*Speaker of the House of Representatives.*

M. R. HILL,

*Speaker of the Senate.*

Passed, November 17, 1851.

79.403  
57.546  
136.549  
103.971  
32.573  
3.914  
28.664

## CHAPTER XXXI.

AN ACT to amend the 4th section of an act, passed February 2d, 1846, entitled an act to authorize Benjamin Parker Hopkins and William Tinker, of the county of Cocke, to open a Turnpike Road.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That said fourth section of the above recited act be so amended, as to allow said proprietors of said turnpike road, to demand and receive of each owner of cattle per head two cents; for sheep one cent per head; for hogs one and a half cent per head for passing their gate.

SEC. 2. *Be it further enacted*, That the term of time for the limitation for the charter of said road is hereby given and granted to said proprietors for the term of fifty years, from and after the passage of this act, and that this act shall take effect from and after the passage of the same.

JORDAN STOKES,  
*Speaker of the House of Representatives.*  
M. R. HILL,  
*Speaker of the Senate.*

Passed, December 16, 1851.

## CHAPTER XXXII.

AN ACT to increase the jurisdiction of Justices of the Peace.

JURISDICTION IN REPLEVIN. SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That each of the justices of the peace in this State, shall, from and after the passage of this act, have and exercise jurisdiction in actions of replevin, when the amount in controversy does not exceed fifty dollars.

AFFIDAVIT. SEC. 2. Any person or persons wishing to prosecute an action of replevin before any justice of the peace before said writ of replevin shall be issued, shall give before said justice of the peace and file an affidavit setting forth the description of the property sought to be replevied, together with the value thereof, and that the plaintiff is entitled to the possession of the property; he proposes to replevy, and also that said property was not subject to the seizure or execution; and the plaintiff shall give his or her bond, with good security, in double the amount of the value of the property sought to be replevied, which bond shall be payable to the defendant or defendants, and be conditioned to be void provided the plaintiff shall abide by and perform the judgment of the justice in the premises.

CONSTABLES MAY EXECUTE. SEC. 3. The constables elected in each of the counties, shall have full power and authority to execute said writ of replevin, and shall be governed in all respects by the laws now in force regulating sheriffs in the execution of the writ of replevin issued by the circuit courts.

SEC. 4. It shall not be necessary in the prosecution of the action of replevin before a justice of the peace

to file a declaration, but said justice may proceed to try said action in a summary manner.

SEC. 5. If either party be dissatisfied with the judgment rendered by the justice of the peace, he may appeal to the circuit court, which appeal shall be prayed within two days after the judgment is rendered, and the cause shall stand for trial at the first term of the circuit court after the appeal is granted. The person praying the appeal shall give bond and security in double the value of the property replevied for the prosecution of the appeal, with a condition, to abide by and perform the judgment of the circuit court.

Appeal.

SEC. 6. The justice of the peace, issuing the writ of replevin, shall be allowed one dollar for the same, and fifty cents for the rendition of the judgment, and the constable, executing the writ, shall be allowed one dollar as his fee for said services.

Fees.

SEC. 7. If any person or persons against whom judgment shall be rendered in this action, by the justice of the peace, shall fail or refuse to deliver to the defendant the property adjudged to be the property of the defendant, then, and in that event, the said justice, who tried the cause, shall proceed forthwith and render judgment against said plaintiff and his securities for double the amount of the value of the property replevied, and execution shall issue forthwith for the same and the costs of the suit.

Judgment  
against security.

SEC. 8. *Be it further enacted*, That the writ of replevin, issued by the justice of the peace, shall be in the following form, to wit:

State of Tennessee, } To the Sheriff or any Con-  
                                  } stable of said county.

I command you to summon A. B., to appear before me or some other justice of the peace for said county, to answer the complaint of C. D., for unlawfully taking out of his possession and detaining from him, (here describe the property in the same manner as is described in the affidavit and bond,) of the said C. D. And you are hereby commanded to take the said property out of the possession of the said A. B., and deliver the same to the said C. D., he having given bond and security as is required by law. This day of

18

[J.P.]

for county.

JORDAN STOKES,

*Speaker of the House of Representatives.*

M. R. HILL,

*Speaker of the Senate.*

Passed, December 4, 1851.

## CHAPTER XXXIII.

AN ACT to declare that the word "heirs" shall not be necessary to create estates in fee simple.

*Be it enacted by the General Assembly of the State of Tennessee,* That the term "heirs" or other words of inheritance shall not be requisite to create or convey an estate in fee, and every grant or devise of real estate, or any interest therein, hereafter to be executed, shall pass all the estate or interest of the grantor or testator, unless the intent to pass a less estate or interest shall appear by express terms, or be necessarily implied in the terms of such grant or devise.

JORDAN STOKES,

*Speaker of the House of Representatives.*

M. R. HILL,

*Speaker of the Senate.*

Passed, November 12, 1851.

## \* CHAPTER XXXIV.

AN ACT to protect illiterate persons at the ballot box.

*Be it enacted by the General Assembly of the State of Tennessee,* That after the passage of this act, any person knowingly and wilfully imposing on any illiterate person, a ticket in any election, contrary to his wish and desire, representing to said illiterate person, that the ticket proposed to him is such as he desired, and the same being a fraud, and not such a ticket as said illiterate person desired: said person, so offending, shall be guilty of a misdemeanor, and dealt with as in other cases of misdemeanor by law made and provided; and that the circuit courts shall give the same in charge to their respective grand jurors.

JORDAN STOKES,

*Speaker of the House of Representatives.*

M. R. HILL,

*Speaker of the Senate.*

Passed, December 4, 1851.

## CHAPTER XXXV.

AN ACT to amend an act, entitled "an act to incorporate the Port Royal Manufacturing Company," chapter 125, passed 29th January, 1846.

*Be it enacted by the General Assembly of the State of Tennessee*, That so much of the eleventh section of said act as provides, that the individual property of the stockholders shall be bound for the debts and liabilities of said company, be, and the same is hereby repealed; and that hereafter the stockholders shall only be liable individually to the extent of the stock taken in said company.

JORDAN STOKES.

*Speaker of the House of Representatives.*

M. R. HILL,

*Speaker of the Senate.*

Passed, December 17, 1851.

## CHAPTER XXXVI.

AN ACT to amend the Criminal Laws of this State.

SECTION. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That when any person shall be indicted in the circuit courts, or any other court having criminal jurisdiction, for malicious stabbing, and the jury trying the cause, after hearing all the evidence, shall be of opinion, that the defendant is not guilty of the malice, they shall have power to find the defendant guilty of an assault and battery, and judgment shall be given accordingly.

SEC. 2. This act shall be in force from and after its passage.

JORDAN STOKES,

*Speaker of the House of Representatives.*

M. R. HILL,

*Speaker of the Senate.*

Passed, November 17, 1851.

## CHAPTER XXXVII.

AN ACT to repeal the 3d section of an act, passed the 9th of February, 1850, entitled "an act to appoint commissioners on the Montgomery Turnpike Road."

*Be it enacted by the General Assembly of the State of Tennessee, That the 3d section of an act, passed the 9th day of February, 1850, entitled "an act to appoint Commissioners on the Montgomery Turnpike Road," be, and the same is hereby repealed.*

JORDAN STOKES,

*Speaker of the House of Representatives.*

M. R. HILL,

*Speaker of the Senate.*

Passed, December 11th, 1851.

## CHAPTER XXXVIII.

AN ACT to designate the holidays to be observed in the acceptance and payment of bills of exchange and promissory notes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee, That the following days, to wit: the first day of January, commonly called New Year's day, the fourth day of July, the twenty-fifth day of December, commonly called Christmas day, and any day appointed or recommended by the Governor of this State, or the President of the United States, as a day of fast or thanks-giving, shall for all purposes whatever as regards the presentment for payment or acceptance, and of the protesting and giving notice of the dishonor of bills of exchange, bank checks and promissory notes, made after the passage of this act, be treated and considered as is the first day of the week, commonly called Sunday.*

SEC. 2. Days of grace shall not be allowed upon bills of exchange payable at sight.

JORDAN STOKES,

*Speaker of the House of Representatives.*

M. R. HILL,

*Speaker of the Senate.*

Passed, November 24, 1851.

## CHAPTER XXXIX.

AN ACT to declare the rule of descent and distribution of the real and personal estate of illegitimate children.

*Be it enacted by the General Assembly of the State of Tennessee,* That hereafter, when any illegitimate child shall die intestate, without having child or children, husband or wife, and shall own or have real or personal estate, the same shall descend to the mother of such illegitimate child in the first instance, and in case of there being no mother living, then to the brothers and sisters, equally, of such illegitimate child, deceased, by his or her mother, or descendants of such brothers or sisters.

JORDAN STOKES,

*Speaker of the House of Representatives.*

M. R. HILL,

*Speaker of the Senate.*

Passed, November 21, 1851.

## CHAPTER XL.

AN ACT to attach the county of DeKalb to the Fourth Judicial Circuit, and to repeal part of the fifth section of an act, passed Feb. 2d, 1850.

*Be it enacted by the General Assembly of the State of Tennessee,* That so much of the fifth section of an act, passed February 2d, 1850, as authorizes the circuit court of DeKalb county, to be held by the Judge of the Criminal Court of Davidson county, be, and the same is hereby repealed. *Provided,* That the courts of DeKalb shall hereafter be holden by the Judge of the Fourth Judicial Circuit, and the times of holding said circuit court, of the county of DeKalb, shall remain as they are now fixed by law. *Provided further,* That the Judge of the Criminal Court of Davidson county shall hold the next term of said court, and that this act shall take effect from and after its passage.

JORDAN STOKES,

*Speaker of the House of Representatives.*

M. R. HILL,

*Speaker of the Senate.*

Passed, December 11, 1851.

## CHAPTER XLI.

AN ACT to amend an act, passed the 4th of February, 1848, which provides for deranged persons, the wives or widows of soldiers who served in the Mexican war.

*Be it enacted by the General Assembly of the State of Tennessee,* That the first section of the act of the 4th of February, 1848, be so amended as to extend unto and include any of the officers, surgeons, musicians or soldiers, themselves, who served in the war between the United States and Mexico, and that on proof being made, as is provided for in the foregoing act, of the service of any officer, surgeon, musician or soldier in said war, and that the same has become deranged, and that they are not able to pay their expenses at the State Lunatic Asylum, that then it shall be the duty of the Superintendent of the Lunatic Asylum of the State of Tennessee, to receive any such person or persons into said Asylum and keep them at the public expense.

JORDAN STOKES,

*Speaker of the House of Representatives.*

M. R. HILL,

*Speaker of the Senate.*

Passed, November 21st, 1851.

## CHAPTER XLII.

AN ACT to incorporate the Memphis Gas Light Company.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That a company to be entitled the "Memphis Gas Light Company," shall be, and the same is hereby established, with a capital of one hundred thousand dollars, divided into shares of one hundred dollars each, and the subscribers, their successors and assigns, are hereby created a body politic and corporate by the name and style of the "Memphis Gas Light Company," and under such name and style they may sue and be sued, contract and be contracted with; they may have and use a common seal; they may pass such rules, regulations and by-laws as may be deemed expedient, not inconsistent with the constitution and laws of this State and of the United States, and shall have succession and continue in existence for the period of ninety-nine years.

Incorporation.

SEC. 2. All the rights, privileges, powers and restrictions contained in the second, third, fourth, fifth, sixth, seventh, eighth, ninth, eleventh and twelfth sections of an act incorporating the Nashville Gas Light Company, passed November 21st, 1849, not inconsistent with the first section of this act, shall apply to the Memphis Gas Light Company as fully and completely as though the same were herein fully set forth and incorporated. Powers, &c

SEC. 3. The fifteenth section of an act, entitled "an act to incorporate the town of Elizabethton, and for other purposes," passed December 31st, 1849, be, and the same is hereby repealed. Elizabethton.

SEC. 4. Robert C. Brinkley, John Trigg, Henry C. Walker, Samuel P. Walker, and Wiley B. Miller, are hereby appointed commissioners for the purpose of opening books of subscription; they shall give ten days notice of the time and place of opening books in the different newspapers published in Memphis, and after fifty-one thousand dollars in stock shall have been subscribed, the commissioners shall give ten days notice, and proceed to elect officers in the manner required in the act incorporating the Nashville Gas Light Company.

JORDAN STOKES,

*Speaker of the House of Representatives.*

M. R. HILL,

*Speaker of the Senate.*

Passed, November 20, 1851.

## CHAPTER XLIII.

AN ACT to amend an act, passed the 9th day of February, 1850, chap. 56, to charter the Winchester and Alabama Railroad Company.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the sixth section of an act, passed the 9th day of February, 1850, chapter 56, entitled "an act to charter a Railroad from Nashville to the Alabama line," be and the same is hereby so amended, as that the railroad incorporated by virtue of the provisions of the above recited act, called the Winchester and Alabama Railroad Company, shall extend from the town of Winchester to the Nashville and Chattanooga Railroad

**Sec. 2.** *Be it enacted,* That the seventh section of said act of incorporation, be and the same is amended, so as to increase the capital stock of said company to seven hundred thousand dollars; and that to entitle any stockholder to act as a director in said company he shall only be required to own stock to the amount of five hundred dollars.

JORDAN STOKES,

*Speaker of the House of Representatives.*

M. R. HILL,

*Speaker of the Senate.*

Passed, December 5th, 1851.

## CHAPTER XLIV.

AN ACT to authorize the county court of Haywood county to levy a tax and build a Turnpike Road and Ferry across Big Hatchie river.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Tennessee,* That the county court of Haywood county is hereby authorized and empowered to levy and collect a tax upon the taxable property and polls in said county, and to apply the same to the building of a good substantial and lasting turnpike or plank road across the bottom and low lands of Big Hatchie river, and to establish and keep up a ferry in connection with the same at such point on said river, in said county, as shall be deemed by said court the most convenient and advantageous to all the citizens of said county.

**Sec. 2.** *Be it further enacted,* That should the said county court deem it more to the advantage of said county to construct said turnpike and establish said ferry at any of the places now used as a crossing for said river, that in that event they have power and authority to buy said ferry and turnpike from the owner or owners, and to repair and add to the same, so as to make a good turnpike, such as is contemplated in the first section of this act.

**Sec. 3.** *Be it enacted,* That said county court shall have the power and authority to regulate the tolls on said ferry so established, and to charge toll or not, as they may deem proper. *Provided,* That should the tolls in any one year exceed the amount necessary for keeping up said ferry and keeping said turnpike in repair, then in that case the surplus shall be paid into the

county treasury for county purposes. *Provided further*, That no higher rates of toll or ferriage shall be required of non-residents of said county of Haywood than the citizens of said county are charged.

SEC. 4. *Be it enacted*, That said county court shall have power to appoint a special collector of said taxes so levied under the provisions of this act, who shall, when appointed, be liable in the same manner as the tax collectors of the State revenue now are, and whose compensation shall not exceed four per cent on the amount collected. *Provided*, That if the county court should fail to elect such special collector, then it shall be the duty of the sheriff or revenue collector of said county to collect said taxes as in other cases. *And provided further*, That a majority of all the justices of the peace of said county shall vote in the affirmative in making any order, or levying any tax in regard to said turnpike and ferry, as in this act authorized.

SEC. 5. *Be it enacted*, That said court shall be authorized to elect a superintendent or superintendents to superintend and direct the building of said turnpike, and to let out contracts and do any other act, under the direction and approbation of said court, that may be necessary for the erection, establishment and keeping up said turnpike and ferry, who shall hold his or their office for twelve months, and until their successor or successors are elected.

JORDAN STOKES,

*Speaker of the House of Representatives.*

M. R. HILL,

*Speaker of the Senate.*

Passed, November 3, 1851.

## CHAPTER XLV.

AN ACT to incorporate the Tennessee Agricultural Society, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That John Shelby, Frank McGavock, J. W. McCombs, Mark R. Cockrill, M. Monohan, Andrew Anderson, J. J. B. Southall, Talbert Fanning, W. R. Elliston, Jesse Maxwell, W. G. Harding, Willo Williams, George W. Polk, Gideon J. Pillow, A. R. Cartwright, Charles Ready, Edmund Dillahunt and R. L. Caruthers, their associates and successors, are

hereby made a corporation by the name of "The Tennessee Agricultural Society" for the encouragement of Agriculture and the Mechanic Arts, by premiums and such other means as said corporation may deem proper.

**Directors.** SEC. 2. *Be it further enacted*, That the affairs of said corporation shall be managed by a board of directors, who may choose a president, and by such other agents as they may appoint.

**Powers.** SEC. 3. *Be it further enacted*, That said corporation shall have power to do and perform, in said corporate name, all such acts and things as bodies corporate may lawfully do, for the purposes aforesaid; and shall have perpetual succession, and hold, own and manage real and personal estate to an amount sufficient to effect the purposes for which said society is incorporated.

**Fairs, &c.** SEC. 4. *Be it further enacted*, That said corporation shall have power to hold, manage and control fairs and exhibitions, and offer such premiums, and at such times and places, as said corporation may deem necessary, for the encouragement or improvement of agriculture and manufactures.

**Location.** SEC. 5. *Be it further enacted*, That the domicile of said corporation shall be in the city of Nashville, in the State of Tennessee, where its business shall be conducted.

**By-laws.** SEC. 6. *Be it further enacted*, That said corporation may make its own by-laws for its government, not inconsistent with the constitution and laws of this State or of the United States; provide for the election of its officers, and the length of time for holding the offices, and to do all things necessary for effecting the objects of this act.

**Auxiliaries.** SEC. 7. *Be it further enacted*, That two auxiliary societies of like character and powers, for like purposes, and subject to like disabilities and obligations, are hereby incorporated; one to be domiciled at Knoxville, in East Tennessee, by the name of "The East Tennessee Agricultural Society," and the other at Jackson, in West Tennessee, by the name of "The West Tennessee Agricultural Society," with power to act in conjunction, when necessary, with the company incorporated by the first section of this act.

JORDAN STOKES,

*Speaker of the House of Representatives.*

M. R. HILL,

*Speaker of the Senate.*

Passed, December 18, 1851.

## CHAPTER XLVI.

AN ACT to establish a High School at the town of Gallatin, in the county of Sumner.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That a High School be established at the town of Gallatin in the county of Sumner, to be known by the name and style of the Tennessee High School, and to be under the supervision of the synod of West Tennessee. Incorporation.

SEC. 2. *Be it enacted*, That Alfred H. Dashiell, Absalom Thompson, Robert C. Garrison, William O. Perkins, Edward McMillan, J. W. Baldrige, Frederick A. Thompson, Benjamin F. Mitchell, Alexander N. Cunningham, John M. Bright, Robert Hardin, Robert Fearn, and John H. Turley, and their successors, be and are hereby constituted a body politic and corporate to be known by the name and style of the Trustees of Tennessee High School, and by that name shall have perpetual succession; sue and be sued; plead and be impleaded; make and receive titles to property both real and personal; and do such other things as bodies corporate by law may do, and perform; and they may have and use a corporate seal; provided that in making titles to property the same shall under order of the Board of Trustees, be signed by the President and countersigned by the Secretary. Trustees.

SEC. 3. *Be it enacted*, That the power to fill vacancies in the Board of Trustees occurring by death, resignation, refusal to act, or removal from the bounds of the synod of West Tennessee, shall be in the board itself subject to the approval of the said synod: but any Trustee so appointed by the Board shall continue in office until rejected by the synod and another appointed in his place by that judicatory. *Provided*, That all appointments by the board shall be void, unless notice thereof be given to the synod at their next annual meeting after the same is made. Vacancies.

SEC. 4. *Be it enacted*, That at the next annual meeting of the synod of West Tennessee, the four trustees first named in the list herein before appointed, shall go out of office, and their places shall be filled by election of said synod; and thus from year to year in the order of the names as they stand in this list, four shall go out of office annually whose places shall be filled as aforesaid; but should the synod in any year fail to elect four in the place of the four whose term of service expired in that year, then the same shall continue in office as before the expiration of their term of service. Election of Trustees.

until their place shall have been filled by election of the synod; and all elections to fill vacancies in the Board of Trustees shall be entered on their minutes.

**Trustees of Board.** SEC. 5. *Be it enacted*, That the Secretary of the Board of Trustees shall record in the books of said board the names of the founders of this High School and the amounts by each contributed, and the following persons shall be trustees of said board representing the founders of said school, to wit Wm. M. Blackmore, John W. Head, Jo C. Guild, and Benjamin Howard, and shall have all the rights and powers of other trustees, and shall so continue, for twelve months and until the founders of said institution, shall by letter of appointment appoint others in their room and stead, said founders having the right to remove or fill vacancies as they may occur among the said four trustees, which they have the right always to have in said institution.

**Officers—their duties.** SEC. 6. *Be it enacted*, That the Board of Trustees shall have power to elect from their own body a President, Secretary, and Treasurer, and such other officers as they may deem necessary, and assign them their particular duties; also to elect a chancellor, president, or principal, and such other professors, tutors, and officers of said High School as they may think proper, and fix their salaries, and appoint their duties severally, who shall constitute the faculty of said high school with such powers and duties as the Board of Trustees may prescribe or allow, who shall teach all the arts and sciences usually taught in similar institutions, and confer all the degrees of literary distinction which can be conferred by other institutions in the United States. The said trustees shall also have power to form a code of by laws for the government of this institution, and to alter or amend the same at pleasure, *Provided*, That the same be not inconsistent with the constitution or laws of this state or of the United States. Any three of the Board of Trustees shall be a quorum to do business but they shall not at any meeting make any contract incurring any pecuniary liabilities, unless notice of such meeting has been given by advertisement at least for ten days previously; *Provided*, That this article shall not be so construed as to prevent the whole board without such previous notice, when met at any time to create any debts, or incur any pecuniary liabilities, not exceeding the amount of their means on hand at the time, either in cash or in bonds negotiable in Bank.

**Endowment.** SEC. 7. *Be it enacted*, That said Board of Trustees may procure an endowment for said institution to

interest of which alone shall be applied to the support of the same, *Provided*, that said endowment fund as well as the interest, shall be under the control and direction of said Board of Trustees.

Sec. 8. *Be it enacted*, That in addition to the usual professorships in literary institutions, any person or ~~Professorships.~~ association of persons, or any Board of Trustees, may found a professorship of agriculture, civil engineering, the mechanic, or fine arts, of law, medicine, theology, or what ever else may be deemed useful as a branch of science or learning, by endowing the same with the consent of the Board of Trustees, and under such rules and regulations as may be agreed upon between such person or such association of persons, or such Board of Trustees, and the said Trustees of the Presbyterian Synodical High School.

Sec. 9. *Be it enacted*, That no misnomer, or misdescription of said corporation herein created in any ~~Misnomer~~ will, deed, gift, grant, demise, or other instrument of contract, or conveyance, shall vitiate or defeat the same; but the same shall take effect in like manner as if said corporation were rightfully named, *Provided*, it be sufficiently described to ascertain the intention of the parties.

Sec. 10. *Be it enacted*, That this act shall be deemed a public act, and be judicially taken notice of without being specially pleaded, *Provided*, That the value of land acquired either by gift or purchase for the support of said High School, shall not exceed the sum of twenty thousand dollars.

JORDAN STOKES,

*Speaker of the House of Representatives.*

M. R. HILL,

*Speaker of the Senate.*

Passed, December 15, 1851.

## CHAPTER XLVII.

AN ACT to extend the jurisdiction of Justices of the Peace.

*Be it enacted by the General Assembly of the State of Tennessee,* That the act, passed January the 19th, 1850, entitled "an act to extend the jurisdiction of justices of the peace," shall be so amended, that each of the justices of the peace, in the several counties in this State, shall hereafter have and exercise jurisdiction over all unsettled accounts, when the amount claimed does not exceed one hundred dollars, in as full and ample a manner as they now have on accounts of fifty dollars and under, subject, nevertheless, to the right of appeal by either party as now provided by law.

JORDAN STOKES,

*Speaker of the House of Representatives.*

M. R. HILL,

*Speaker of the Senate.*

Passed, December 4, 1851.

## CHAPTER XLVIII.

AN ACT to amend the Registration Laws of this State.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That in all cases heretofore, where the Register of any county in this State may have died, and the deputy of such Register may have registered deeds, bills of sale and other instruments by him required to be registered, before a successor may have been appointed, such registration shall be as effectual as if done by the Register himself.

SEC. 2. *Be it further enacted,* That, hereafter, when the Register of any county in this State shall die, the deputy of such Register shall continue to act until an appointment shall be made in the manner required by law.

JORDAN STOKES,

*Speaker of the House of Representatives.*

M. R. HILL,

*Speaker of the Senate.*

Passed, December 4th, 1851.

## CHAPTER XLIX.

AN ACT to amend an act, entitled "an act to authorize John D. Armond to open a Turnpike Road."

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That so much of the second section of an act, passed February 5th, 1848, entitled "an act to authorize John D. Armond to open a turnpike road," as requires said John D. Armond to make the road, so that no elevation shall exceed seven and one-half degrees, and to bridge all water courses, be repealed, provided he be required to keep up the two bridges already made.

Repeal.

SEC. 2. *Be it further enacted*, That so much of the eighth section of said act, as exempts citizens of Roane and Morgan counties, traveling single horse, from toll, be repealed, and said John D. Armond be allowed to charge all citizens of said counties, traveling single horse, five cents.

SEC. 3. *Be it enacted*, That Robert Hooper be appointed commissioner to fill the vacancy of John Wilson, resigned, and said commissioner shall be governed by the provisions of the act aforesaid.

Commissioner.

JORDAN STOKES,

*Speaker of the House of Representatives.*

M. R. HILL,

*Speaker of the Senate.*

Passed, January 1, 1852.

## CHAPTER L.

AN ACT to remunerate Y. S. Patton for sundry repairs, &c., done on the two Legislative Halls.

*Be it enacted by the General Assembly of the State of Tennessee*, That one hundred and fifty dollars be paid out of the State Treasury to Y. S. Patton, for services rendered in making necessary repairs on the two Halls of the Legislature.

JORDAN STOKES,

*Speaker of the House of Representatives.*

M. R. HILL,

*Speaker of the Senate.*

Passed, January 3, 1852.

## CHAPTER LI.

AN ACT to secure the attendance of witnesses before Juries of Inquisition of Idiocy or Lunacy.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That whenever writs of inquisition of Idiocy or Lunacy shall be issued from any county court in this State, it shall be lawful for the clerk of the court from which the same may have issued, or any justice of the peace of the same county, upon the application of either party, to issue writs of subpoena for witnesses to appear and give evidence before the jury of inquisition, which writs of subpoena may be directed to the sheriff of the county, in which the same are issued, or to the sheriff of any other county in the State.

Witnesses,  
Fees, &c. SEC. 2. *Be it enacted*, That the witness or witnesses summoned under any subpoena so issued, shall be bound to attend and give evidence before the jury of inquisition in the case in which he or they may be so summoned, under the same penalties now prescribed by law, as to witnesses subpoenaed in cases before the circuit courts, and shall be entitled to the same fees for attendance and mileage as witnesses in the circuit courts are under the existing laws.

Costs. SEC. 3. *Be it enacted*, That the person or persons upon whose application any inquisition of idiocy or lunacy may be issued shall in the event the jury shall not find the person, as to whom the same is issued, to be an idiot or lunatic, or the court to which the verdict is returned shall not confirm the same and appoint a guardian, be taxed with the costs of the case; and when the person, as to whom the inquisition is issued, shall be found by the verdict of the jury to be an idiot or lunatic, and the court shall confirm the verdict of the jury and appoint a guardian, the court shall tax the guardian with the costs of the case, to be paid out of the estate of the idiot or lunatic.

JORDAN STOKES,  
*Speaker of the House of Representatives.*  
M. R. HILL,  
*Speaker of the Senate.*

Passed, January 1, 1852.

## CHAPTER LII.

AN ACT to change the time of holding the Circuit Courts in and for the county of Haywood, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the circuit courts of the county of Haywood shall hereafter be held on the first Monday after the fourth Monday in February, June and October, in each and every year. *Provided*, That the next term of said court shall be holden at the time now fixed by law. Haywood Circuit Court.

SEC. 2. *Be it enacted*, That hereafter the circuit court for Madison county shall be holden on the third Mondays in January, May and September in each and every year. Madison Circuit Court.

SEC. 3. *Be it enacted*, That hereafter the chancery court of Madison county shall be holden on the second Mondays in March and September, in each and every year. Chancery Court.

JORDAN STOKES,

*Speaker of the House of Representatives.*

M. R. HILL,

*Speaker of the Senate.*

Passed, January 1, 1852.

## CHAPTER LIII.

AN ACT to amend an act, passed February 1st, 1850, entitled "an act to incorporate the Huntington and Tennessee River Turnpike Company, and for other purposes."

*Be it enacted by the General Assembly of the State of Tennessee*, That the further time of four years, from first of March next, be given to the Hillsboro, Williamsport and Mount Pleasant Turnpike Company to complete and finish said turnpike, as provided for by the 23d, 23d, 24th, 25th, and 26th sections of said act.

JORDAN STOKES.

*Speaker of the House of Representatives.*

M. R. HILL,

*Speaker of the Senate.*

Passed, January 22, 1852.

## CHAPTER LIV.

AN ACT to provide for contested elections in certain cases, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That, hereafter, in all cases of contested elections between candidates for justices of the peace, the county court shall have power, and it is hereby made their duty to hear proof and decide the case upon the evidence, and shall certify to the Governor that the successful contestant has received a majority of the legal voters of his civil district.

SEC. 2. *Be it enacted*, That it shall be the duty of the Governor, upon receiving the certificate aforesaid, to issue a commission to the person in whose favor such certificate is made.

SEC. 3. *Be it enacted*, That when any candidate for justice of the peace shall contest the election as aforesaid, it shall be his duty to give information of such intention to the sheriff of the county, whose duty it shall be to withhold the return from the Governor until said contested election shall be decided. It shall be the duty of the contestant to give ten days notice to the opposing candidate or candidates, that it is his intention to contest said election.

SEC. 4. *Be it further enacted*, That in all cases of contested elections, by candidates for constable, the county court shall hear proof and decide upon the evidence, and qualify the person who has received a majority of the legal votes in his civil district.

SEC. 5. *Be it enacted*, That no person shall be eligible to the office of justice of the peace or constable until he arrives at the age of twenty-one.

SEC. 6. *Be it enacted*, That the clerk of the county court, in which the contested election shall exist, or any justice of the peace of the county, may upon application of either party, issue subpoenas for witnesses, and the witnesses summoned under such subpoena, shall be bound to attend under the same penalties as witnesses in the circuit court, and for their attendance shall be allowed the same compensation as witnesses in the circuit court.

JORDAN STOKES,

*Speaker of the House of Representatives.*

M. R. HILL,

*Speaker of the Senate.*

Passed, January 19, 1852.

## CHAPTER LV.

AN ACT to change the line of Wayne and Lawrence counties.

*Be it enacted by the General Assembly of the State of Tennessee,* That the line between the counties of Wayne and Lawrence be so changed as to commence at the State line dividing the State of Tennessee and the State of Alabama in the middle of the channel of Shoal creek, and run up said creek with the middle of the channel thereof to the mouth of Holly creek; thence up Holly creek with its meanders to the original county line dividing Wayne and Lawrence counties; thence north with said line as heretofore.

JORDAN STOKES,

*Speaker of the House of Representatives.*

M. R. HILL,

*Speaker of the Senate.*

Passed, January 20, 1852.

## CHAPTER LVI.

AN ACT to authorize the Corporate authorities of the City of Nashville to subscribe Stock in Railroad Companies.

*Be it enacted by the General Assembly of the State of Tennessee,* That the Mayor and Aldermen of the City of Nashville, be, and they are hereby authorized and empowered to subscribe any amount of the railroad stock already owned by said city, in any railroad which may have a terminus in or at said city, or in any branch road which the Mayor and Aldermen may deem of advantage to said stock, or to any railroad with such terminus in or at said city.

JORDAN STOKES,

*Speaker of the House of Representatives.*

M. R. HILL,

*Speaker of the Senate.*

Passed, January 2, 1852.

## CHAPTER LVII.

AN ACT to provide the mode in which the estates of idiots and lunatics may be managed.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That in all cases where the idiocy or lunacy of any person has, or shall be duly proved by inquisition, and such idiot or lunatic shall own real estate, slaves, or other property, it shall and may be lawful for the chancery court of the district, or the circuit court of the county where the idiot or lunatic resides, or where the land or some of it lies, upon the prayer of the guardian of such idiot or lunatic, to decree the sale of such real estate, slaves or other property, or portions thereof, provided it shall be made to appear, to such court, that such sale or sales ought to be made, and that it is manifestly for the interest of such idiot or lunatic, that the same should be made, and provided the said court shall have authority to make such disposition of the proceeds by reinvestment or otherwise, as shall be in the opinion of the court, most for the interest of the idiot or lunatic.

Sales of estate.

SEC. 2. *Be it further enacted*, That said chancery court may in all cases, where any such idiot or lunatic is confirmed in insanity, and without hope of recovery therefrom; and has one or more children, or the descendants of such, upon the prayer of guardian or child, or descendants of a deceased child, to decree the portion and division of a reasonable portion of the real and personal estate of the idiot or lunatic, among such children and descendants, as in case of death and intestacy, charging an advanced child with the advancement, and vest the title of the property accordingly. *Provided*, it shall be manifestly for the interest of said idiot or lunatic, and his or her family, that said partition or division should be made. *And provided*, That ample means be retained undivided for the support, maintenance, ease and comfort of the idiot or lunatic during life. *And provided*, If the idiot or lunatic shall be a married man, that ample additional means be retained, undivided, for the support, maintenance, ease and comfort of the wife and for her dower, years' provision and distributive share, in case she shall survive her husband. *And provided*, At the time of such application there shall be in existence no last will, published by the idiot or lunatic, that might be valid after his or her death.

Division of estate.

SEC. 3. *Be it further enacted*, That all cases in which married women, married women, who may be the owners of property set-

tled for their sole and separate use by deed, will, decree or otherwise, shall become of unsound mind, shall be within the provisions of this act, and the courts shall, as to their separate estates, have the power granted in the first and second sections of this act, subject to the conditions and restrictions proscribed in those sections.

SEC. 4. *Be it further enacted*, That in all cases in which the courts shall order the sale of the estate of any idiot or lunatic, under the provisions of the first section of this act, it shall be the duty of the courts to take bond and security from the person or persons upon whose application the sale is ordered, conditioned to perform the decree of the court, and whatever orders the court may make, touching the proceeds of such sale. And the said bond shall be made payable to the Governor and his successors, and so shall the bonds required by the fifth section. Bond and Security.

SEC. 5. *Be it further enacted*, That in all cases in which the courts shall, under the provisions of the second section of this act, decree the distribution of any part of the estate of any idiot or lunatic, it shall be the duty of the court, which renders the decree, to take bond and security from the person or persons to whom such estate or any part of the same is decreed to be distributed, to refund the estate or part thereof so decreed to him, her or them, if the return of the same should become necessary, and to perform whatever orders or decrees the court may make, touching the estate or part thereof so distributed to him, her or them, provided that when the person or persons, to whom such estate or any part thereof, is or are minors, the bond or bonds may be given by his, her or their guardian or guardians.

JORDAN STOKES,

*Speaker of the House of Representatives.*

M. R. HILL,

*Speaker of the Senate.*

Passed, January 1, 1852.

## CHAPTER LVIII.

AN ACT for the relief Alexander Gunn, and others.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Tennessee,* That the Comptroller of the Treasury issue his warrant on the State Treasurer, in favor of James M. Gunn, administrator of James Gunn, deceased, for thirty-eight dollars, being amount paid by said James Gunn, deceased, into the entry taker's office, in 1824, for 300 acres of land, situated in Robertson county, south of Walker's line, and north of 36. 30 north latitude.

**SEC. 2.** *Be it enacted,* That the Comptroller issue his warrant in favor of Alexander Gunn, for nineteen dollars and twenty-five cents, being amount paid by said Gunn into the entry-taker's office, in 1824, for 120 acres of land, situated in Robertson county, south of Walker's line, and north of 36. 30 north latitude.

JORDAN STOKES,

*Speaker of the House of Representatives.*

M. R. HILL,

*Speaker of the Senate.*

Passed, January 15, 1852.

## CHAPTER LIX.

AN ACT for the benefit of Wm. B. Grove, R. F. Maclin and James A. Rogers, commissioners appointed to value the States' interest in the LaGrange and Memphis Railroad Company.

*Be it enacted by the General Assembly of the State of Tennessee,* That the Comptroller of the Treasury be directed to issue his warrant to William B. Grove, Robert F. Maclin and James A. Rogers, commissioners appointed by Governor William B. Trousdale, in pursuance to an act passed 25th January, 1850, to assess the value of the States' interest in the LaGrange and Memphis Railroad Company, for the sum of seventy-five dollars each, for services rendered to the State as commissioners aforesaid.

JORDAN STOKES,

*Speaker of the House of Representatives.*

M. R. HILL,

*Speaker of the Senate.*

Passed, January 14, 1852.

## CHAPTER LX.

AN ACT to amend the Tippling Laws of this State.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That no person shall receive a license, or be a clerk or assistant in any licensed establishment for the retail of spirituous or vinous liquors, who is not a competent witness in a court of justice against a white man.

SEC. 2. *Be it enacted*, That should any person, other than persons authorized by the first section of this act, be employed as assistant, or assist in any licensed establishment, and shall sell or give spirituous or vinous liquors to any person, the owner or owners of such establishment, and the person so assisting, selling or giving, shall be subject to all the penalties for retailing without license.

JORDAN STOKES,

*Speaker of the House of Representatives.*

M. R. HILL,

*Speaker of the Senate.*

Passed, January 22, 1852.

## CHAPTER LXI.

AN ACT to amend an act, establishing a road between Tazewell, in Claiborne county, and Knoxville, in Knox county, and for other purposes, passed January the 23d, 1850.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That an act passed, January 23d, 1850, for the improvement of the roads from Tazewell to Knoxville, and from Jacksboro to Knoxville, and from Sneedville to Shultz, be so amended, that the amount of money specified in said act shall be paid to the boards of commissioners of said roads, on application at the Branch of the Bank of Tennessee, at Rogersville, upon a warrant or warrants to said commissioners, which shall be issued by the Comptroller of the Treasury of the the State to said boards of commissioners, on application by themselves or through their authorized proxies, and that such warrant or warrants shall be a sufficient voucher to the proper officer of the Rogersville Branch

of the Bank against the State for having paid the same to said boards of commissioners.

Engineer.

SEC. 2. *Be it enacted*, That the board of commissioners of said roads, may employ a competent engineer in permanently locating said roads, to be paid such a salary out of the funds of said roads as the boards of commissioners may deem proper.

Tazewell and  
Knoxville.

SEC. 3. *Be it enacted*, That after the boards of commissioners of said Tazewell and Knoxville road shall have located and expended said money on said road, it shall be their duty to erect a gate at a suitable place on said road, and appoint a gate-keeper, who shall be qualified by some acting justice of the peace, that he will honestly and faithfully keep an exact account of all monies received by him at said gate for toll, and pay the same over to the board of commissioners whenever required by them to do so. The board of commissioners of said road shall appoint, annually, an overseer and a gate-keeper, the former to work said road under their direction, and the latter to receive tolls, and pay over the same. Both subject to removal for neglect or unfaithfulness, at the option of a majority of said board, and their places to be supplied at any time it may be necessary to remove said overseer or gate-keeper.

Rates of Toll.

SEC. 4. *Be it enacted*, That said gate-keeper shall be empowered and authorized to demand and receive from every person passing said road at the gate, except persons going to meeting, muster and mill, the following tolls: For each four wheeled carriage and its burthen, if drawn by one horse, mule or ox, thirty-five cents, if by two, fifty cents, and if by three and not more than four, sixty-five cents, if over four, seventy-five cents; for each two wheeled carriage and its burthen, if drawn by one horse, mule or ox, twenty-five cents, if over that number, thirty-five cents; for each four wheeled carriage of pleasure and its passengers, if drawn by two horses or mules, fifty cents, if over two, seventy-five cents; for each two wheeled carriage of pleasure, if drawn by one horse or mule, thirty-five cents, if by more than one, fifty cents; for man and horse, ten cents; for each loose horse, mule, jack or jennet, if not in a drove of more than three, five cents, if in a drove, three cents; for each head of cattle, two cents; for each hog or sheep one cent.

Penalty.

SEC. 5. *Be it enacted*, That if any person shall forcibly or secretly pass said gate without paying the toll, or go around said gate to avoid paying the toll, such person, so offending, shall forfeit and pay five dollars for every such offence to the said gate-keeper, to be

recovered as other actions of debt before any acting justice of the peace in the State of Tennessee.

Sec. 6. *Be it enacted*, That all persons subject by law to work public roads, living within one mile of said Tazewell and Knoxville road, shall work said road <sup>Work on Road.</sup> four days in every year, at such times as the overseer may think proper to notify said persons. In case any such person or persons refuse to work said road after being, as above, notified, said person or persons, so offending, shall forfeit and pay one dollar to the said gate-keeper, to be recovered as provided in section five of this act.

Sec. 7. *Be it enacted*, That it shall be the duty of said <sup>Examination.</sup> commissioners to view said Tazewell and Knoxville road at least once every six months, for the purpose of examining the condition of said road. And said board of commissioners are hereby authorized to apply all the proceeds of the gate on said road, and all the fines and forfeitures to keep the same in good repair.

Sec. 8. *Be it further enacted*, That the board of commissioners of the said Tazewell and Knoxville road <sup>Board of Gate Keeper.</sup> shall take a bond and good security from the above mentioned gate-keeper for at least double the supposed income arising from said gate as a guarantee against any contingent loss.

JORDAN STOKES,

*Speaker of the House of Representatives.*

M. R. HILL,

*Speaker of the Senate.*

Passed, January 12, 1852.

## CHAPTER LXII.

AN ACT to amend the charter of the Louisville and Nashville Railroad Company, passed the 4th December, 1851.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the first proviso to the second section of an act, passed the 4th day of December, 1851, entitled "an act to incorporate the Louisville and Nashville Railroad Company," be so amended, that said company shall not be required to commence and prosecute the work upon each end of the line of said road at the same time, but may begin the work at any

point upon said line which they may think will best promote the interest of the stockholders.

SEC. 2. *Be it enacted*, That the proviso to the seventh section of said act, be, and the same is hereby repealed.

SEC. 3. *Be it further enacted*, That the eighth section of said act, be, and the same is hereby repealed.

JORDAN STOKES,

*Speaker of the House of Representatives.*

M. R. HILL,

*Speaker of the Senate.*

Passed, January 10, 1852.

## CHAPTER LXIII.

### AN ACT to incorporate Lookout Company.

*Sec. 1.* *Be it enacted by the General Assembly of the State of Tennessee*, That Benjamin Chandler, James A. Whiteside, J. J. Griffin, Joseph McCalla, and such other persons as may become shareholders in said company, and their successors or assigns, be, and the same are hereby constituted a body politic and corporate by the name and style of the Lookout Company, with all the powers, privileges and immunities of the Chattanooga House Company, chartered 5th of February, 1848.

*Capital Stock.*

*Sec. 2.* *Be it enacted*, That it is the intent and object of this act of incorporation, to authorize and empower said company to erect on Lookout Mountain, in Hamilton county, Tennessee, a public hotel.

*Sec. 3.* *Be it enacted*, That the capital stock of said company shall not exceed fifty thousand dollars, and shall be divided into shares of one hundred dollars each.

JORDAN STOKES,

*Speaker of the House of Representatives.*

M. R. HILL,

*Speaker of the Senate.*

Passed, January 21, 1852.

## CHAPTER LXIV.

**AN ACT** to provide for the payment of costs due from the State of Tennessee to the Sheriff and Clerk of Greene county.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Tennessee,* That the Comptroller of the State, be, and he is hereby authorized and directed to issue his warrant to Valentine Sevier, clerk of the circuit court of Greene county, for the sum of one hundred and forty-four dollars and sixty-two cents, the amount of costs due from the State to the clerk and other officers of Greene county, for services rendered in the case of the State against Henry Smith, for passing counterfeit money.

**SEC. 2.** *Be it further enacted,* When said money is paid to the said clerk, that it shall be paid out to the persons entitled to the same, and they shall have the same power to recover the same from the clerk as they now have to recover costs under the existing laws.

JORDAN STOKES,

*Speaker of the House of Representatives.*

M. R. HILL,

*Speaker of the Senate.*

Passed, January 15, 1852.

## CHAPTER LXV.

**AN ACT** to amend the several acts incorporating the Nashville Bridge Company.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Tennessee,* That the charter of said company be so amended, that they shall be authorized and empowered to erect a new bridge at or near the site of the old bridge, lately taken away. And for this purpose the directors of the present company, in conjunction with A. V. S. Lindsley, Esq., Alexander Porter, Jr., Wm. D. Philips, Enoch P. Connell, James Yarborough, Jonathan R. Garrett, or any number of them who may choose to act, be authorized to open books of subscription for stock to the amount of not more than one hundred thousand dollars, in shares of fifty dollars each, to be paid upon calls to be made as herein after directed.

**SEC. 2.** *Be it enacted,* That when the sum of forty

Election of  
Directors.

thousand dollars of new stock shall have been subscribed, it shall be the duty of the commissioners aforesaid to cause an election to be held of nine directors by the new stockholders, who after being duly qualified, shall and may negotiate with the Nashville Bridge Company for the site, abutments, toll-house, stock and materials of the old bridge, and whatever sum may be agreed upon between the parties, shall be considered as a subscription of so much stock by the individual stockholders of the Nashville Bridge, and the amount of this subscription together with the forty thousand dollars already subscribed, or so much more as may be necessary to complete the bridge, shall constitute the capital stock of said company.

Power of  
Directors.

SEC. 3. *Be it enacted*, That the directors shall be elected annually, as heretofore, and that at the second election nine persons receiving the highest number of votes, shall be declared as the directors for the ensuing year; and so be chosen during the continuance of this charter. And that the directors shall have power to locate the site of the new bridge, and make calls upon the stockholders for the payment of their subscription in such sums, and at such periods as they may deem most advisable.

Style of Bridge.

SEC. 4. *Be it enacted*, That said bridge be constructed in any form or mode which may be deemed most advisable by the directors. *Provided however*, That it shall not interfere with the free navigation of Cumberland river. And it shall be built of such a height and structure as to effect this object.

Extension of  
Charter.

SEC. 5. *Be it enacted*, That the charter of said company be extended for fifty years from the time of its present expiration; and that upon the acceptance of these amendments by the present stockholders of said company, they be entitled to a continuance for that period, of all the rights, privileges and immunities herein and heretofore granted.

SEC. 6. This act shall take effect from and after its passage.

JORDAN STOKES,

*Speaker of the House of Representatives.*

M. R. HILL,

*Speaker of the Senate.*

Passed, January 16, 1852.

## CHAPTER LXVI.

AN ACT to incorporate Fincastle Academy, and for other purposes.

SECTION. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Isaac C. Petree, William Walker, John Kincaid, William Cane and James P. Hollingsworth, be, and they are hereby constituted a body corporate and politic, by the name of the Trustees of Fincastle Academy, and shall have perpetual succession, and be capable in law or equity, to purchase, receive and hold to themselves and their successors, any lands, tenements, goods or chattles, which may be given, granted or devised to them, or purchased by them for the use and benefit of said Academy, and to appropriate, use or dispose of the same in such manner as to them may seem fit and proper for the use and benefit of said Academy; and the said trustees and their successors, by the name aforesaid, may sue and be sued, plead and be impleaded in any of the courts of law or equity in this State. Incorporation.

SEC. 2. *Be it enacted*, That the trustees aforesaid, and their successors, shall have power to hold such meetings, at such times and places, as they may think fit and proper, to elect one of their number President, and a Secretary and Treasurer of said board, and to fill vacancies, when such may occur by death, resignation, removal or otherwise, but not less than a majority of said trustees shall constitute a board to do business. Board of Trustees.

SEC. 3. *Be it enacted*, That said board of trustees shall have power to make such regulations relative to said Academy, and the government thereof, and their own proceedings, as a majority may deem right and proper, provided they be not inconsistent with the constitution and laws of this State. Power of Board.

SEC. 4. *Be it further enacted*, That there shall be established in the town of Shelbyville, Bedford county, Tennessee, an institution of learning, which is hereby incorporated by the name and style of the Trustees of the Shelbyville Female Academy. Shelbyville Female Academy.

SEC. 5. *Be it further enacted*, That the said institution shall be a jointstock company, the stock therein to be divided into shares of fifty dollars each, and that the same shall be governed by ten trustees, who shall be elected by the stockholders of their number, on the 1st Saturday in July, of every year, who shall hold their offices for one year, and until their successors are elected, a majority of whom shall constitute a quorum for the transaction of business. All vacancies that Members of Board.

may occur in their body, may be filled by the board; the stockholders in said institution may in all elections vote in person or by proxy, each share of stock representing one vote.

SEC. 6. *Be it further enacted*, That said board of trustees, under their corporate name aforesaid, may receive subscriptions of stock for the erection of necessary buildings; may sue and be sued, plead and be impleaded; have and use a common seal, and may hold real and personal estate by purchase or otherwise, and may sell and convey the same, and shall have power to employ all necessary teachers and lecturers, and other employees they may deem necessary; and confer all such degrees and diplomas as are usual in female academies; they shall also have and enjoy all such privileges and immunities as appertain to similar institutions, including the power to make such by-laws and regulations, for the government of said institution, as they may deem necessary; as are not inconsistent with the constitution and laws of this State.

SEC. 7. *Be it further enacted*, That said board of trustees shall elect of their number, a President, Secretary and Treasurer, and shall keep a record of all their proceedings, and shall annually pay to the stockholders, in said institution, such dividends as may have accrued on their respective shares of stock.

SEC. 8. *Be it further enacted*, That the first board of trustees shall be the following: Dr. Thomas Lipscomb, L. B. Knott, Robert Mathews, William G. Cowen, Thomas B. Cannon, B. M. Tillman, Richard M. Sims, William Gosling, H. L. Davidson and William B. M. Brown, who shall hold their offices until the first election, as herein before provided.

SEC. 9. *Be it further enacted*, That the stockholders in said institution, may sell and transfer their stock by written assignment.

JORDAN STOKES,

*Speaker of the House of Representatives.*

M. R. HILL,

*Speaker of the Senate.*

Passed, January 26, 1852.

## CHAPTER LXVII.

AN ACT to amend an act, chartering the Bank of Tennessee.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That hereafter, that portion of Haywood county which lies north of Forked Deer river, and which by an act, passed 25th January, 1848, was attached to the Trenton Branch Bank District, shall be allowed and entitled to have a director in the Branch of the Bank of Tennessee at Trenton, who shall be appointed as other directors are appointed, and that said director shall have all the powers, privileges and immunities of other bank directors in said bank, and that he shall be subject to the rules, regulations and restrictions that other directors, in said bank, are subject to.

SEC. 2. *Be it enacted*, That this act shall take effect and be in force from and after the passage thereof.

JORDAN STOKES,

*Speaker of the House of Representatives.*

M. R. HILL,

*Speaker of the Senate.*

Passed, January 9, 1852.

## CHAPTER LXVIII.

AN ACT to provide for the payment of School Teachers, under the Common School System, in certain cases.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That in all cases where any person has been employed by the Common School Commissioners to teach a school, and has taught the said school; and where by the formation of any new county the district in which he may have so taught is divided by the line of the new county, then and in that case the amount due such teachers shall be paid by the trustees of the old and new counties according to the number of children or scholars who are taught by said teacher in the district on each side of the county line.

SEC. 2. *Be it further enacted*, That in ascertaining the amount due from the trustees of the old and new counties, that the trustees shall be governed by the written

statement of the School Commissioners in the said district, which statement the person applying for the money shall present to the said trustees, the same shall be a voucher for said trustees on settlement.

JORDAN STOKES,

*Speaker of the House of Representatives.*

M. R. HILL,

*Speaker of the Senate.*

Passed, January 21, 1852.

## CHAPTER LXIX.

AN ACT to incorporate the Kentucky Turnpike Company, and other purposes.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Tennessee,* That Abner Phillips and John R. McGee, their associates and successors, are hereby incorporated and made a body politic, to be called the Kentucky Turnpike Company, with power and authority to open, construct, continue and keep in repair a turnpike road, commencing at Jamestown, in Fentress county, running thence, the most practicable way, to the Kentucky line, in a direction to Owen's ferry, on the Cumberland river, in Pulaski county, Kentucky, the extent to be opened sixteen feet wide, with twelve feet in the centre, and on steep and sideling ground to be clear of rocks, stumps or other obstructions, and causeways and bridges where necessary.

**Sec. 2.** *Be it enacted,* That said road shall always be kept in good repair; and if said road shall be permitted to remain out of repair for the space of sixty days, at any one time, then it shall be the duty of the commissioners, hereinafter appointed by this act, to set said proprietors gate open until said road be put in repair, to be adjudged by said commissioners. And if said proprietors, or any other person for them, shall receive any toll during the time said commissioners set said gate open, said proprietors, for every such offence, shall forfeit and pay the sum of ten dollars, to be recovered by action of debt before any acting justice of the peace having jurisdiction of the same, by any person who will sue for the same. And if said road shall be permitted to remain out of repair for the space of twelve months, at any one time, said charter shall be forfeited.

**Sec. 3.** *Be it enacted,* That Armsted Miller and Isaac

Stockton, are appointed commissioners of said road, whose duty it shall be, that when the proprietors of said road shall notify them that said road is completed and ready for use, to examine said road; and if said road, in their judgment, is in the order contemplated by this act, then they shall proceed to license said proprietors, or any other person for them, to keep a toll gate on said road, which license shall be under their hands and seals, and, thereupon, said proprietor or proprietors, or any other person for them or either of them, shall proceed to erect a toll gate on any part of said road, and shall be entitled to receive the following rates of toll, to wit: All wagons drawn by six horses, oxen or mules, seventy-five cents each, also by four horses, oxen or mules, fifty cents each; for all carts drawn by horses, oxen or mules, twenty-five cents each; for each four wheel pleasure carriage drawn by two horses or mules, fifty cents; for each pleasure carriage drawn by one horse or mule, thirty-five cents; for each man and horse, ten cents; for each horse or mule, not in a drove, five cents; for each horse or mule, in a drove, three cents; for each head of cattle, one and a half cents; for each head of hogs or sheep, one cent.

*Rates of Toll*

SEC. 4. *Be it enacted*, That the commissioners appointed by this act, shall, before entering on the duties of their appointment, take an oath for the faithful performance of all the duties enjoined upon them by this act. And they shall be entitled to demand and receive the sum of one dollar and fifty cents for each day they may be engaged in examining said road, which shall be paid by the proprietors of the road.

SEC. 5. *Be it enacted*, That the proprietors of said road, or any other person for them, shall before receiving any toll, as provided for in this act, take an oath to do equal justice to the corporation and all other persons.

SEC. 6. *Be it enacted*, That if any person or persons shall pass said gate arbitrarily, or within two miles thereof, for the purpose of evading said toll, such person or persons, for every such offence, shall forfeit and pay to the proprietors of said road the sum of ten dollars, to be recovered by action of debt before any justice of the peace in this State.

SEC. 7. *Be it enacted*, That the said proprietors shall be entitled to hold and enjoy the privileges of this charter for fifty years, and be allowed four years to complete said road.

SEC. 8. *Be it enacted*, That the proprietors of this

road may keep two toll-gates on said road, and receive one half of the above rates of toll at each.

**SEC. 9.** *Be it enacted,* That the turnpike road granted to Abner Philips, passing through Fentress county, be, and the same is hereby extended northward, the most practicable rout, to the Kentucky line, in the direction of Monticello, Kentucky, and that he be governed in all respects in relation to said extension of road, by the laws granting to him the charter for said road, passed January the 16th, 1844; and that he be allowed the further time of four years, from and after the passage of this act, to complete said road.

**SEC. 10.** *Be it enacted,* That the Montgomery Turnpike Road, granted to J. F. Scott and William J. Scott, by an act of the General Assembly, passed January 25, 1848, be, and the same is hereby extended north to the ford of Wolf river, at or near Berry Gatewood's, and shall run on or near the original channel of Piles' old turnpike road.

**SEC. 11.** *Be it enacted,* That the Montgomery Turnpike Company shall keep in repair that part of the road hereby added, and be governed in all respects by the laws governing and granting to them the charter for said road, provided they shall not be allowed to receive any additional toll.

**SEC. 12.** *Be it enacted,* That the portion of turnpike road granted to Elijah Frost, from the top of the Cumberland Mountain to the Calf Killer river, in White county, be, and the same is hereby disannuled and made void.

**SEC. 13.** *Be it enacted,* That the charter of a turnpike road, beginning at Jamestown, in Fentress county, running southwardly towards Crossville, in Morgan county, of which road Isaac Taylor is now owner and proprietor, be, and the same is hereby established in the name of the said Isaac Taylor, to be called the Taylor Turnpike Road, with succession for fifty years to said Isaac Taylor, and his successors, under the restrictions and rules hereinafter set forth and prescribed.

**SEC. 14.** *Be it enacted,* That said Taylor may change the rout, or locate said road any rout that he may deem most practicable, provided the same commences at Jamestown, and runs generally in a direction to Chattanooga. *Provided also,* That the said Isaac Taylor may extend the said road southwardly, in the direction above mentioned, to any point he may choose; and he shall keep the said road and extension, or addition thereto, in the same order and receive the same toll as provided for in the original charter of said road to

John Rose, and vested in said proprietor by purchase. *Provided*, That for any addition or extension of said road, the proprietor may receive additional toll, at the same rates per mile that is now allowed by law in the original charter of said road, and may erect an additional gate for that purpose, but shall be governed in all other respects by the laws now in force in the original charter of said road.

SEC. 15. *Be it enacted*, That Isaac Taylor is hereby made a body politic and corporate, for the purpose of keeping in repair the Taylor Turnpike Road, and shall enjoy all the privileges, and be subject to all the restrictions and enactments of other corporate bodies in this State for similar purposes.

SEC. 16. *Be it further enacted*, That Joshua Wright, Wilson L. Wright, Alexander Wright, and Anderson Howard be allowed the further time of four years, from the passage of this act, to complete a turnpike road granted to D. Smith, and relinquished by D. Smith to Larkin Canada, of Fentress county, C. C. Davidson and S. F. Byrd, and relinquished by them to the above named proprietors. Said road to commence on Scott's turnpike road at W. H. McGee's; to run from thence to Wright's Cross Roads; from thence to the Morris Baker's place, now occupied by Wm. Cullum; from thence by Crossville to the top of the Mountain, near Tallit's mills, in Bledsoe county. And that they be allowed the same toll, and be governed in all respects by the act granting the Kentucky Turnpike Road to Abner Philips and John R. McGee from Jamestown to the Kentucky line. D. Smith's Road.

JORDAN STOKES,

*Speaker of the House of Representatives.*

M. R. HILL,

*Speaker of the Senate.*

Passed, January 23, 1852.

## CHAPTER LXX.

AN ACT to prevent malicious and frivolous prosecutions.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That in all cases when the circuit court upon the trial of any indictment, either for a felony, misdemeanor, or upon a peace warrant, shall be of opinion that the prosecution is frivolous and malicious, it shall be the duty of the court to tax the prosecutor with all the costs of the cause, as well on the part of the defendant or defendants as of the State.

SEC. 2. *Be it further enacted*, That the provisions of this act shall extend to trials before justices of the peace; and they shall have the same power in taxing costs as is by the first section of this act vested in courts of record.

JORDAN STOKES,

*Speaker of the House of Representatives.*

M. R. HILL,

*Speaker of the Senate.*

Passed, January 16, 1852.

## CHAPTER LXXI.

AN ACT to incorporate the Supreme Society of Odd Friends, and Societies subordinate thereto, of the State of Tennessee.

WHEREAS, a number of citizens of the town of Troy, and county of Obion, Tennessee, have formed themselves into a society for the better promotion of the Temperance Reformation, for charitable purposes, and the general diffusion of benevolence, under the name and style of "Odd Friends." Therefore, to aid them in this commendable undertaking,

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Leonard K. Massey, Calvin P. Wiley, P. R. Nauts, John B. H. O'Neal, John J. B. Camp, and E. S. W. Walton, of Troy, Tennessee, and such others as are at present, or may hereafter become members, are hereby constituted a body politic and corporate, under the name and style of the Supreme Society of Odd Friends, and shall have perpetual succession and a common seal; shall be capable, in law or otherwise, to purchase, receive, hold and enjoy to themselves, and those that may become associated with

them, and their successors, any books, maps, charts, goods, chattels, lands and tenements which may be given, granted, purchased or devised to them, for the use and benefit of said Supreme Society of Odd Friends, and at discretion to appropriate, use and dispose of the same, in such manner as to them may seem fit and proper, for the purposes, use and benefit of said society; may sue and be sued, plead and be impleaded, and use and exercise all the privileges of a corporate body.

Sec. 2. *Be it enacted*, That said corporation shall have power, from time to time, to elect from their body Officers. suitable officers, and make such constitution, rules and by-laws, for their government, as may be requisite to promote the objects of the society; and to elect to membership, and to confer degrees upon all such persons as may become members, and be calculated to promote the interest and harmony of the society.

Sec. 3. *Be it enacted*, That each subordinate society of Odd Friends, that has been, or may hereafter be chartered and established by said Supreme Society in the State of Tennessee, according to the constitution, laws and usages of the order, shall be a body corporate by the name given to it in its charter, and in such name sue and be sued, plead and be impleaded, and transact such other business as may be necessary for it as a society. They may also, in such name, have and hold, by purchase or otherwise, so much real or personal estate as may be necessary for halls and pleasure grounds, grounds for meetings and performances, and for all such schools, hospitals and other establishments they may at any time establish and erect, and at pleasure dispose of the same in any manner they may think proper.

JORDAN STOKES,

*Speaker of the House of Representatives.*

M. R. HILL,

*Speaker of the Senate.*

Passed, January 21, 1852.

## CHAPTER LXXII.

**AN ACT** to authorize the Governor of the State to issue bonds of the State of Tennessee to the East Tennessee and Virginia Railroad Company, to aid in the building of Bridges.

\$300,000 in bonds  
to be issued.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Tennessee,* That for the purpose of aiding the East Tennessee and Virginia Railroad Company, in the construction of bridges on their said railroad, the Governor of the State is hereby authorized and required to issue coupon bonds of the State of Tennessee, to said company, to an amount not exceeding the sum of three hundred thousand dollars, bearing an interest of six per centum per annum payable semi-annually at such place as the President of said company may designate, which bonds shall be payable in not less than thirty, nor more than forty years after date, and at such place as said President may designate, but said bonds are to be issued as hereinafter provided.

Forty miles to  
be constructed.

**SEC. 2.** *Be it enacted,* That whenever it shall be made known to the Governor to his satisfaction by the President and Directors of said company, that forty miles of said railroad have been put under contract and that the work on the same is progressing to completion, and that said company has sufficient *bona fide* subscription to grade and put the necessary culverts on said section of forty miles ready for the iron rails which subscription shall be adjudged solvent and valid by the board of internal improvements, or any chief engineer or other persons appointed to examine and report upon works of internal improvements, then it shall be the duty of the Governor to issue to said company coupon bonds of the State of Tennessee, of the description aforesaid, to an amount not exceeding one hundred thousand dollars, to be expended on the bridges necessary to be constructed on the said section of forty miles. And in like manner when a second section of forty miles shall have been put under contract, and the work thereon progressing, and said company has sufficient *bona fide* subscriptions to grade and put on the necessary culverts as aforesaid ready for the iron rails, which subscription shall be adjudged solvent and valid by the board of internal improvements, and all of which facts shall be made known to the Governor in the manner aforesaid to his satisfaction, then it shall be the duty of said Governor to issue to said company, coupon bonds of the State of Tennessee, of the description aforesaid, for an amount not exceeding one hundred thousand dollars, to be expend-

ed on the bridges necessary to be constructed on said section of forty miles, and a like provision with like restrictions and conditions in all respects is hereby made for an additional section of forty miles of said railroad, the funds to be used in construction of the necessary bridges on said last named section.

SEC. 3. *Be it enacted*, That so soon as the bonds are issued for the first section of forty miles, as provided in the first section of this act, the said bonds shall on the issuance thereof, constitute a lien upon all the stock of said company, upon the road-bed, masonry, bridges and other property of said company, and the State shall be invested with such lien on and by virtue of the issuance of said bonds, without a deed from the company for the payment of said bonds and interest accruing thereon; and whenever the bonds are issued for either or both of said sections of forty miles, as specified in the first section of this act, the State of Tennessee shall on and by virtue of the issuance of said bonds be invested with a like lien or mortgage on said sections for the payment of said bonds and the interest thereon, including road-bed, masonry and bridges, on all of the said sections provided for in this act, and on all of the stock of said company, without a deed from the company, and said lien or mortgage shall have priority over all other claims against said company, and all liens created by the company after the issuance of the bonds for the first forty miles of said railroad, shall be void as to the liens of the State of Tennessee hereby created for the payment of the bonds issued under the provisions of this act, and the accruing interest thereon, and the said liens of the State shall extend to and embrace the entire railroad, its superstructure and equipments after completed, and so continue until said bonds and interest thereon are paid and discharged, and without a deed from the company.

Lien are  
without doe

SEC. 4. *Be it further enacted*, That the Legislature of this State shall have power to enact any law or laws that may hereafter be deemed necessary to protect the interest or credit of the State against loss or damage on account of the issuance of said bonds, and to provide for the more speedy and certain payment by the company of said bonds and interest, not impairing the vested rights of the stockholders and that for that purpose and the purposes of notice of the existence of this act, the same is hereby declared to be a public law.

This act declar-  
ed public.

SEC. 5. *Be it further enacted*, That before the Gov-

Engineer to examine and report.

Four bridges provided for.

ernor shall issue any bonds under the provisions of this act, he shall require the engineer of said company to examine the premises where said bridge or bridges are to be built, and ascertain as near as he may be able, the cost of construction of such bridge or bridges with good materials, and in a good and substantial manner, and report the same under oath to the Governor, and it shall not be lawful for said Governor to issue bonds as aforesaid, for a greater amount for the construction of such bridge or bridges than the sum specified in the report of said engineer, and the provisions of this act shall only extend to and include a bridge across the Watauga river, two bridges across the Holston river and a bridge across Lick creek on the line of said road. And no bonds shall issue under this act, unless upon the written affidavit of the President of said company, and a resolution of a majority of the directors thereof, and that said bonds when issued shall not be used for any other purpose than procuring the means for the construction of said bridge or bridges, and it shall not be lawful for said bonds to be used for any other purpose. *Provided*, the estimates of said engineer shall include the masonry on the line of said road. *Provided*, that the bonds of the State shall not be issued to build the bridges herein provided for, until there is stock subscribed by good and solvent individuals, corporations, companies or counties sufficient to grade the road and put the timbers on the same from Knoxville to the Virginia State line, which facts shall be certified to the Governor of the State by the written affidavit of the president and directors of said road. *And provided further*, that the three hundred thousand dollars of bonds, hereinbefore authorized to be issued to said company, may be included with the aggregate amount of stock subscribed by good and solvent individuals, corporations, companies or counties, and if the said sum of three hundred thousand dollars, together with the said subscriptions of stock in said road, shall be sufficient to grade and build the bridges and masonry thereon, and otherwise prepare the said road for the iron rails, which facts shall be made appear by the report of the chief engineer of said road, on oath to the Governor, then it shall be the duty of the Governor to issue to the said company upon the application of the president and a majority of the directors of said company, the bonds of the State for three hundred thousand dollars, as provided in the first section of this act, and the proceeds of said bonds shall be applied to the construction of the

bridges specified in the 5th section of this act, and the masonry on the line of the said road and the surplus, if any, to any other bridges on the line of said road, or other purpose necessary to prepare the said road for the iron rails.

**Sec. 6. Be it enacted,** That it shall be the duty of said company to deposit in the Bank of Tennessee at Nashville, at least fifteen days before the interest becomes due, from time to time upon said bonds issued as aforesaid, an amount sufficient to pay such interest, including exchange and necessary commission, or satisfactory evidence that said interest has been paid or provided for, and if said company fail to deposit said interest as aforesaid, at the time aforesaid, or furnish the evidence aforesaid, it shall be the duty of the Comptroller to report that fact to the Governor, and the Governor shall immediately appoint some suitable person or persons, at the expense of the company, to take possession and control of said railroad, and all the assets thereof, and manage the same and receive the rents, issues, profits and dividends thereof, whose duty it shall be to give bond and security to the State of Tennessee, in such penalty as the Governor may require for the faithful discharge of his or their duty as receiver or receivers, to receive said rents, issues, profits and dividends, and pay over the same under the direction of the Governor towards the liquidation of such unpaid interest. And if said company fail or refuse to deliver up said road to the person or persons so appointed by the Governor, the said person so appointed shall report that fact to the Governor, who shall forthwith issue his warrant, directed to the sheriffs of the counties, through which said road shall run, commanding them to take possession of said road, fixtures, equipments, and receive the same, and manage the entire road until a sufficient sum shall be realized, exclusive of the costs and expenses, incident to said proceedings to pay off and discharge the interest as aforesaid, due on said bonds, which being done, the receiver shall surrender said road and fixtures and equipments to said company. The Comptroller shall from time to time settle the accounts with the receiver, and the balances shall be deposited in the treasury of this state. The Comptroller is authorized, and it is made his duty upon his warrant to draw from the treasury any sum of money necessary to meet the interest on such bonds, as may not be provided for by the company as provided for in this act, and the Comptroller

Interest provided for.

shall report thereof to the General Assembly from time to time.

Proceedings on  
non-payment of  
bonds.

SEC. 7. *Be it enacted*, That if said company shall fail or refuse to pay any of said bonds when they fall due, it shall be the duty of the Governor to notify the Attorney General of the district in which is situated the place of business of said company of the fact, and thereupon, said Attorney General shall forthwith file a bill against said company in the name of the State of Tennessee, in the chancery or circuit court of the county in which is situated said place of business, setting forth the facts, and thereupon said court shall make such orders and decrees in said cause as may be deemed necessary by the court to receive the payment of said bonds with the interest thereon, and to indemnify the State of Tennessee against any loss on account of the issuance of said bonds, by ordering the said railroad to be placed in the hands of a receiver ordering the sale of said road, and all the property and assets attached thereto, or belonging to said company, or in such other manner as the court may deem best for the interest of the State.

sinking fund.

SEC. 8. *Be it enacted*, That at the end of five years after the completion of said road, said company shall set apart one per centum per annum, upon the amount of bonds issued to the company, and shall use the same in the purchase of bonds of the State of Tennessee, which bonds the company shall pay into the treasury of the State after assigning them to the Governor, and for which the Governor shall give said company a receipt, and as between the State and said company, the bonds so paid in, shall be a credit upon the bonds issued to the company. And said bonds so paid in, and the interest accruing thereon, from time to time, shall be held and used by the State as a sinking fund for the payment of the bonds issued to the company, and should said company re-purchase any of the bonds issued to it, under the provisions of this act, they shall be credited as aforesaid and cancelled. And should said company fail to comply with the provisions of this section, it shall be proceeded against, as provided in the sixth section of this act.

SEC. 9. *Be it enacted*, That in the event any of said road, fixtures or property belonging to said road, shall be sold under the provisions of this act, it shall be the duty of the Governor to appoint an Agent for the State who shall attend said sale and protect the interest of the State, and shall, if necessary to protect said interest, buy in said road or property, in the name of the

State, and in case said agent shall purchase said road for the State, the Governor shall appoint a receiver who shall take possession of said road and property, and in the same as provided for in the 6th section of this act, and said receiver shall settle with the Comptroller semi-annually until the next meeting of the General Assembly.

JORDAN STOKES,

*Speaker of the House of Representatives.*

M. R. HILL,

*Speaker of the Senate.*

Passed, January 15, 1852.

### CHAPTER LXXIII.

**ACT** to transfer suits between citizens of Scott county, pending in the Circuit Court of Campbell county, to the Circuit Court of Scott county.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Tennessee,* That all suits at law now pending in the circuit court of Campbell county, between citizens of Scott county, be transferred to the circuit court of Scott county.

**Sect. 2.** *Be it further enacted,* That all the papers in, or belonging to suits between citizens of Scott county, now pending in the circuit court of Campbell county, shall be handed over by the clerk of the circuit court of Campbell county, to the clerk of the circuit court of Scott county, to be made a part of the record docket of said county, and to be tried and decided in the circuit court of Scott county, in the same manner that suits in said court are decided. This act to be in force and effect, after the next term of the circuit court in said county of Campbell.

JORDAN STOKES,

*Speaker of the House of Representatives.*

M. R. HILL,

*Speaker of the Senate.*

Passed, January 1, 1852.

## CHAPTER LXXIV.

AN ACT to incorporate the Nashville and North Western Railroad Company.

Incorporation.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That for the purpose of establishing a communication by railroad between Nashville and the Mississippi river, beginning at Nashville and terminating on the Mississippi river in Obion county the formation of a company is hereby authorized, which when formed, shall be a body corporate by the name and style of the Nashville and North Western Railroad Company, and by the said corporate name shall be capable to buy, receive by gift, hold, sell and convey real and personal estate as hereinafter provided, make contracts, sue and be sued, make by-laws, and do all other acts properly incident to a corporation, and necessary and proper to the transaction of the business for which it is incorporated, and to have and use a common seal and the same to alter and destroy at its pleasure, and have perpetual succession of members.

SEC. 2. Books of subscription of thirty thousand shares of the capital stock of said company of one hundred dollars each, shall be opened on the 1st day of January and shall be kept open for sixty days, between the hours of ten o'clock in the morning, and four o'clock in the evening of each of those days, at the following places and by the following commissioners, to wit:

Commissioners.

At Nashville: Thomas Harding, Jacob McGavock, L. Davidson, Joslin, M. R. Cockrill, W. Dozier, I. Hollingsworth, M. Barrow, W. Watkins, Samuel Watkins, D. T. McGavock, Willoughby Williams, West I. Humphreys, A. W. Vanleer, Francis McGavock, Daniel Graham, John Harding, Charles Bosley, Newson, Atkison, Bird Douglass and Thomas Sheron.

At Charlotte: Sylvester Finley, Robt. McNeill, Thos. K. Grigsby, John C. Collier and Wm. H. Napier.  
At Waverly: John Wiley, T. B. Gorin, Robert McCreary, V. S. Allen, H. H. Marable.

At Camden: William McCutchen, C. K. Wyley, V. P. Morris, E. Perkins and D. P. Hudson.

At Paris: B. C. Brown, J. W. Blanton, W. J. Thompson, J. C. McNeil, L. M. Tharp and C. D. Veale.

At Dresden: Wm. Gleeson, Jno. A. Gardner, Colli McCutchen, James W. Hays, Alfred Gardner and W. Snapp.

At Troy: Cochrane, P. Marberry, Moffatt, W. S. S. Harris.

At Dover: A. W. Wall, Secretary, I. Graham, T. H. At-  
kins, Wm. B. Cherry and J. M. Wall.

Sec. 2. The said commissioners or any two of them, at each of the places aforesaid, shall receive subscrip- Open Books.  
tions for stock in the said railroad company during the time the said books are directed to be kept open, and on each share so subscribed, shall demand and receive the sum of five dollars in cash, or a note or check for the same, without which the subscription shall be void.

Sec. 4. As soon as the time for receiving subscrip-  
tions as aforesaid, shall have expired, the said commis-  
sioners shall respectively deposit all the money so re-  
ceived by them in some incorporated bank, redeeming  
its notes in specie, to the credit of the Nashville and  
North Western Railroad Company, and subject to the  
order of the President of the board of commissioners  
hereinafter appointed, and shall also furnish a correct  
list of all the subscribers to the said stock, with the  
number of shares each subscriber has taken, to a board  
of commissioners to be composed of the following per-  
sons: Thos. Harding, A. W. Vanleer, Atkinson,

Board of Com-  
missioners.

Newsom, B. Collier, Benj. Robertson, John Wiley,  
T. B. Gorin, Thos. McNeily, T. K. Grigsby, S. Finley,  
J. Cooney, J. C. Carrier, Wm. W. Moody, John H.  
Dunlap, J. D. C. Adkins, J. E. R. Ray, Em. Ethenidge,  
J. W. Hays, A. G. Holden, P. Marberry, W. U. Wat-  
son, Dr. Head, Col. Wm. McCutchen, Wm. F. Dough-  
erty, John Wiley, B. B. Spicer, T. B. Gorin, S. C. Pa-  
vatt and James T. Dunlap, who may establish rules  
to govern their proceedings, choose their own president,  
and appoint such other officers and agents as they may  
think proper; and who, or a majority of whom shall  
meet at Nashville on the third Monday in April next,  
ascertain the whole number of shares taken in the  
company, and publish the same in some newspa-  
per printed in Nashville, on or before the first Monday  
of May next, and if the number of one thousand shares  
shall have been subscribed, on each of which there  
shall have been paid the sum of five dollars, the Nash-  
ville and North Western Railroad Company shall be  
regarded as formed, and thenceforth and from the day  
of the closing of the books of subscription as afore-  
said, the said subscribers to the stock shall form a body  
corporate and politic, in deed and in law, by the name  
of the purpose aforesaid, and in all things to be  
represented by the board of commissioners aforesaid,  
until the board of directors are elected as hereinafter  
prescribed.

Sec. 5. If on closing the books aforesaid, the num-

Corporation  
when formed.

ber of one thousand shares shall not have been subscribed, then, and in that case, the said board of commissioners, by themselves or their agents, may receive subscriptions until the number of one thousand shares be taken; and whenever that number of shares shall be subscribed, the company shall be considered as formed, as having a corporate existence as aforesaid and of which notice shall be given as hereinbefore directed, and may proceed to survey the route for the road and make an estimate of the cost of its construction; nevertheless no conclusive and binding location of the road shall be made by the board of commissioners, but the same be left to the determination of the first board of directors chosen by the stockholders. And the said board of commissioners may by themselves or their agents, at such times and places as they may think proper, and upon such terms as to time and manner of payment as they may deem expedient, receive additional subscriptions until the number of ten thousand shares shall have been subscribed, upon which the company may be formed, and the subscribers shall thenceforth form a body corporate as aforesaid. *Provided*, the same shall be done on or before the first day of January, 1858; and for the residue of the original number of thirty thousand shares, the said corporation, when organized, may in like manner receive additional subscriptions.

Scaling stock.

SEC. 6. In case more than thirty thousand shares shall have been subscribed on closing the books, when they are first opened, the shares shall be reduced to that number by deducting the surplus shares from the highest subscribers, placing them on equality of numbers as far as can be done, and after such reduction, the holders of the remaining shares shall form the company, and be interested therein, in proportion to the number of shares which they may then respectively hold.

Survey to be  
made.

SEC. 7. If on closing the books on the first day of January 1858, the number of ten thousand shares shall not have been subscribed, the money paid by each subscriber shall be returned to him by the said board of commissioners after paying the expenses of opening the books, and of making a survey and map of the route and estimate of the cost of the road, which the said commissioners are hereby authorized to have made as soon as practicable.

Board of Directors

SEC. 8. The affairs of said company shall be managed by a board of directors to consist of fifteen, who shall be chosen by the stockholders from the

own body, and a president of the company shall be elected by the directors from their own members, in such manner as the regulations of the corporation shall prescribe.

Sec. 9. As soon as the number of one thousand shares shall have been subscribed, it shall be the duty of the commissioners appointed to declare the same, to appoint a time for the stockholders to meet in Nashville, and give notice thereof by publication in some of the newspapers in Nashville, at which time and place, the stockholders in person or by proxy, shall proceed to elect the directors of the company, and to enact all regulations, rules and by-laws, as may be necessary for the government of the corporation and the transaction of its business. The persons elected directors at this meeting, shall serve for such period not exceeding one year as the stockholders may direct; and at this day the stockholders shall fix on the day the subsequent election of directors shall be held, and such elections shall thenceforth be annually made. But if the day of annual election shall pass without any election of directors, the corporation shall not thereby be dissolved, but it shall be lawful on any other day to hold and make said elections in such manner as may be prescribed by a by-law of the corporation.

Election of Directors.

Sec. 10. The board of directors may fill all vacancies which may occur in it during the period for which their board shall have been elected, and in the absence of the president, may fill his place by electing a president *pro tempore*.

Vacancies.

Sec. 11. All contracts and arrangements authenticated by the president of the board, shall be binding on the company without seal or such other mode of authentication may be used as the company by its by-laws shall adopt.

Contracts.

Sec. 12. The board of directors shall not exceed in the contracts the amount of the capital of the corporation, and of the funds which the company may have received and placed at the disposal of the board; and when they shall do so, the president and directors may be present at the meeting at which such contract or contracts so exceeding the amount aforesaid shall be made, shall be jointly and severally liable for the excess both to the contractor or contractors and to the corporation: *Provided*, that any one may discharge himself from such liability by voting against such contract or contracts, and causing said vote to be recorded in the minutes of the board, and giving notice thereof to the next general meeting of the stockholders.

Contracts not to exceed capital.

Rates of Toll.

SEC. 13. The said company shall have the exclusive right of transportation or conveyance of persons, goods, merchandize and produce over said railroad by them to be constructed; *Provided*, that the cost of transportation or conveyance shall not exceed thirty-five cents per hundred pounds on heavy articles, and ten cents per cubic foot on articles of measurement for every hundred miles, and five cents a mile for every passenger; *And provided also*, that said company, may when they see fit, farm out their rights of transportation on said road, subject to the rates above mentioned.

Calls on stock.

SEC. 14. The board of directors may call for the payment of ninety-five dollars on each share of stock in sums not exceeding ten dollars, in every thirty days: *Provided*, that twenty days notice be given of such call in at least one public newspaper of the State in which any of the stockholders may reside, and a failure to pay or secure to be paid, according to the rules of the company, any of the instalments so called as aforesaid, shall induce a forfeiture of the share or shares on which default shall be so made and all payments thereon, and the same shall vest in and belong to the company, and may be restored to the owner or owners by the board of directors if they deem proper, on the payment of all arrears on such shares and legal interest thereon, or the directors may waive the forfeiture after thirty days default and sue the stockholder for the installments due, at their discretion.

Transfer of stock.

SEC. 15. The stock of said company may be transferred in such manner and form as may be directed by the by-laws of said corporation.

May increase capital

SEC. 16. The said company may at any time increase its capital to a sum sufficient to complete said road and stock it with every thing necessary to give it full operation and effect, either by opening books for new stock or by selling such new stock, or by borrowing money on the credit of the company, and on the mortgage of its charter and works, and the manner in which the same shall be done in either case, shall be prescribed by the stockholders at a general meeting; and any State or any citizen, corporation or company of this or any other State or country, may subscribe for and hold stock in said company, with all the rights and subject to all the liabilities of any other stockholder.

Directors shall report.

SEC. 17. The board of directors shall, once in every year at least, make a full report of the state of the company and its affairs to a general meeting of the stockholders, and oftener if directed by a by-law, and

shall have power to call a general meeting of the stockholders when the board may deem it expedient.

SEC. 18. No person but a *bona fide* stockholder in his own right, of at least ten shares, which he shall have held at least three months previous to his election, (except the first election) shall be president or a director of the company, nor shall any stockholder vote in person or by proxy at any general or other election, (except the first) who shall not have held in his own right the shares on which he offers to vote, at least three months previous to such election. Directors to be stockholders.

SEC. 19. Stockholders may vote in person or by proxy, and in the election of directors and in voting on all questions which come before a meeting of the stockholders, or which may be submitted to the decision of the stockholders in any other manner, the vote shall be taken according to the following scale, viz: each stockholder shall have one vote for each share he owns; *Provided*, that no individual, corporation or company shall be entitled to more than five hundred votes. Scale of votes.

SEC. 20. That said company may purchase, have and hold in fee or for a term of years, any lands, tenements and hereditaments, which may be necessary for said road or appurtenances thereof, or for the erection of depositories, store houses, houses for the officers, servants or agents of the company, or for work-shops or foundries to be used for said company, or for procuring timber, stones or any other materials necessary for the construction of the road or its appurtenances, or for effecting transportation thereon ~~or~~ for other purposes. May hold real estate.

SEC. 21. That said company shall have the right when necessary to construct the said road or any branch thereof, across or along any public road or water course; *Provided*, that the said road and the navigation of such water course, shall not be thereby obstructed. Other roads and water courses

SEC. 22. The said company may purchase, have and hold any bridge or turnpike road over which it may be necessary to pass, and when such purchase is made, to hold the said bridge or turnpike road on the same terms, and with all the rights which belong to the individual, individuals or corporation from which such purchase may be made; *Provided*, that the said company shall not obstruct any public road without constructing another as convenient as may be. May purchase bridge or turnpike

SEC. 23. Where any lands or rights of way may be required by the said company for the purpose of constructing their road, and for want of agreement as to the Damages, how recovered.

value thereof, or from any other cause the same cannot be purchased from the owner or owners, the same may be taken at a valuation to be made by five commissioners or a majority of them, to be appointed by the circuit court of the county where some part of the land or right of way is situated, and the said commissioners before they act shall severally take an oath before some justice of the peace, faithfully and impartially to discharge the duty assigned them. In making the said valuation, the commissioners shall take into consideration the loss or damage which may occur to the owner or owners of the land, in consequence of the land being taken, or the right of way surrendered, and also the benefit and advantage he, she or they may receive from the erection or establishment of the railroad or works, and shall state particularly the nature and amount of each, and the excess of loss and damage over and above the benefit and advantage, shall form the measure of valuation of the said land or right of way. The proceedings of said commissioners, accompanied with a full description of the said land or right of way, shall be returned under the hands and seals of a majority of the commissioners to the court from which the commission issued, there to remain a matter of record. In case either party to the proceedings shall appeal from the valuation to the next session of the court granting the commission, and give reasonable notice to the opposite party, if such appeal, the court shall order a new valuation to be made by a jury, who shall be charged therewith in the same term, or as soon as practicable, and their verdict shall be final and conclusive between the parties unless a new trial shall be granted; and the lands or right of way so valued by the commissioners or jury, shall vest in the said company in fee simple, so soon as the valuation may be paid, or when refused may be tendered to the extent of two hundred feet wide. Where there may be an appeal as aforesaid, from the valuation of the commissioners of either of the parties, the same shall not prevent the works intending to be constructed from proceeding, but where the appeal is by the company requiring the surrender, they shall be at liberty to proceed with their works only on condition of giving to the opposite party a bond with good security, to be approved by the clerk of the court where the valuation is returned, in a penalty equal to double the said valuation, and interest in case the same be sustained; and in case it be reversed, for the payment of the valuation thereafter to be made by the jury and confirmed by the

court. *Provided*, that when the land cannot be had by gift or purchase, the operations of the work are not to be hindered or delayed, during the pendency of any proceeding to assess its value as aforesaid, nor shall any injunction or supercedeas be awarded by any judge or court to delay the progress of said work.

Sec. 24. In the absence of any contract with the said company in relation to lands through which the said road may pass, signed by the owner thereof or by his agent, or any claimant or person in possession thereof, which may be confirmed by the owner, it shall be presumed that the land upon which the road may be constructed, together with a space of one hundred feet on each side of the centre of said road, has been granted to the company by the owner thereof, and the said company shall have good right and title thereto, and shall have, hold and enjoy the same as long as the same be used only for the purposes of the road and no longer, unless the person or persons owning the said land at the time that part of the road which may be on said land was finished, or those claiming under him, her or them, may apply for an assessment for the value of the said lands as hereinbefore directed, within five years next after that part of said road was finished; and in case the said owner or owners, or those claiming under him, her or them, shall not within five years after the said part was finished, apply for such assessment, he, she or they shall be forever barred from recovering the said land, or having any assessment or compensation therefor. *Provided*, nothing herein contained, shall affect the rights of *femes covert* or infants, until two years after the removal of their respective disabilities. Title presumed.

Sec. 25. If any person shall intrude upon the said railroad or any part thereof, by any manner of use thereof, or of the rights and privileges connected therewith, without the permission or contrary to the will of said company, he, she or they shall forthwith forfeit to the said company all the vehicles that may be intruded on said road, and the same may be recovered by suit at law, and the person or persons so intruding may also be indicted for misdemeanor, and upon conviction fined and imprisoned by any court of competent jurisdiction. Intrusion.

Sec. 26. If any person shall wilfully or maliciously destroy, or in any manner hurt, damage or obstruct the said railroad, or any bridge or any vehicle used for or in the transportation thereon, such person or persons so offending, shall be liable to be indicted therefor, and on Penalty for obstructions.

conviction, shall be imprisoned not more than six nor less than one month, and pay a fine of not less than twenty dollars, and shall be further liable to pay all the expenses of repairing the same, and it shall not be competent for any person so offending against the provisions of this charter to defend himself by pleading, or giving in evidence that he was the owner or agent, or servant of the owner of the land where such destruction, hurt, damage, injury or obstruction was done, or caused at the time the same was caused or done.

**Obstructions, public nuisance.** SEC. 27. Every obstruction to the safe and free passage of vehicles on the said road, shall be deemed a public nuisance, and may be abated as such by an officer, agent or servant of the company, and the person causing such obstruction, may be indicted and punished for erecting a public nuisance.

**Storage and transportation.** SEC. 28. The said company shall have the right to take at the storehouses they may establish, or next to their railroad, all goods, wares, merchandise and produce intended for transportation, prescribe the rules of priority, and charge and receive such just and reasonable compensation for storage as they by rules may establish (which they shall cause to be published) or as may be affixed by agreement with the owner which may be distinct from the rates of transportation: *Provided*, that the said company shall not charge or receive storage on goods, wares or produce which may be delivered to them at their regular depositories for immediate transportation, and which the company may have the power of transporting immediately.

**Profits.** SEC. 29. The profits of the company or so much thereof as the board of directors may deem advisable, shall when the affairs of the company will permit, be semi-annually divided among the stockholders in proportion to the stock each may hold.

**Banking and insurance.** SEC. 30. The said company is hereby expressly prohibited from carrying on any banking operations, but may effect insurance on lives and property transported on the road.

**Cross roads.** SEC. 31. Whenever, in the construction of said road, it shall be necessary to cross or intersect any established road or way, it shall be the duty of the company to construct said road across such established road or way, as not to impede the passage or transportation of persons or property along the same, or where it shall be necessary to pass through the land of any individual, it shall be their duty to provide for such individual a proper wagon way or ways across said road from one part of his road to the other.

Sec. 32. The said company shall possess such additional powers as may be convenient for the due and successful execution of the powers granted in this charter, and for the successful construction and management of the work. General powers.

Sec. 33. The president, directors, clerks, agents, officers and servants of said company, shall be exempt from military duty, except in cases of invasion or insurrection, and shall also be exempt from serving on juries and working on public roads. Exemptions of officers, &c.

Sec. 34. The company shall have full power and authority to purchase and own such number of slaves as shall be necessary for the construction of the said road and for keeping the same in repair. May purchase slaves.

Sec. 35. If by decree or otherwise, the said corporation shall be dissolved, the president and directors of said company are created trustees, with such powers only as may be necessary to collect the debts due the company, preserve the property, pay the debts, and distribute the property and effects of the company to those who may be entitled thereto under the charter. Directors, trustees on dissolution.

Sec. 36. The capital stock of said company shall be forever exempt from taxation, and the road with all its fixtures and appurtenances, including workshops, warehouses and vehicles of transportation, shall be exempt from taxation for the period of twenty years from the completion of the road, and no longer. Exemption from taxation.

Sec. 37. The railroad authorized by this act, shall be commenced within three years after the passage of this act, and shall be finished within ten years thereafter, otherwise the charter hereby granted, shall be void. Time to begin and finish.

Sec. 38. Any individual or individuals, company or body corporate, with permission of the legislature of this State, may hereafter construct branches to connect with the Nashville and North Western railroad; and it shall be the duty of said company when required, to receive on their road the full loaded freight cars from such branches and transport the same to their destination, and to return them without changing the loads thereof or charging for the transportation of the goods, wares, merchandise and produce therein, any greater rate of freight than they charge for similar goods, wares, merchandise and produce in their own cars: *Provided*, that the company shall not be compelled to receive said cars on their road, unless they are constructed in the same manner and are of equal strength with their own cars, of which the engineer of the main road shall be the judge: *And provided*, that the company shall not be required to receive any car Branch roads.

from such branches without receiving payment for at least twenty miles transportation: *And provided also*, that the said company shall be entitled in all respects to similar and equal privileges on such branches constructed to unite with their road with the same restraints.

**SEC. 39.** That the board of commissioners of the *Election of Directors.* Nashville and North Western railroad, is hereby authorized and empowered to appoint three judges and two clerks for the purpose of holding an election for fifteen directors of said company, and upon the certificate of said judges, the said directors shall be authorized to qualify as directors, and to make all rules, regulations and by-laws, necessary for the government of said company and the management of its affairs, not inconsistent with the general laws of the land.

**SEC. 40.** That the board of directors of said company shall have power to appoint three judges and two clerks from year to year for the purpose of holding an election for directors.

*Interest on stock.* **SEC. 41.** That the said company be required to estimate and credit semi-annually to the several holders thereof, a sum equal to six per centum per annum on the capital stock of said company actually paid in, to be charged to the cost of construction until the road opens for business: *Provided*, a majority of the stockholders at their first regular meeting agree thereto.

**SEC. 42.** That when a sufficient portion of the stock of the company is taken to commence work upon said road, that the work be commenced at the same time at Nashville and at the Mississippi river, and that the work be thus continued until said road be completed.

*Bridge over Tennessee river.* **SEC. 43.** That in the construction of a bridge across the Tennessee river for the purpose of avoiding any interference with the navigation of said river, it shall be the duty of said company to build said bridge at least thirty feet above extreme high water mark, between any two piers the company may deem best, and the distance between the two so selected, shall be at least one hundred and fifty feet, so as to afford free and safe passage for all size boats.

JORDAN STOKES,

*Speaker of the House of Representatives.*

M. R. HILL,

*Speaker of the Senate.*

Passed, January 22, 1852.

## CHAPTER LXXV.

AN ACT to charter the Tennessee and Alabama Rail Road Company, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That a body politic and corporate is hereby constituted, by the name and style of the Tennessee and Alabama Rail Road Company, for the purpose of constructing a rail road from Nashville by the way of Franklin, to the line between the State of Tennessee and Alabama, in the direction of Florence in the State of Alabama, and said company shall have all the rights, powers and privileges, and be subject to all the liabilities and restrictions conferred and imposed upon the charter of the Nashville and Chattanooga rail road company, and all the various amendments &c. thereto Incorporation.

SEC. 2. *Be it enacted,* That the capital of said company shall be subject to be increased or decreased in the discretion of said company, to be divided into shares of fifty dollars each, and whenever five thousand shares of the capital stock is subscribed for, the company may organize as provided in the charter of the Nashville and Southern rail road company. Capital stock.

SEC. 3. *Be it enacted,* That D. Campbell, Elijah Thompson, F. Hardeman, Thomas Parkes, R. H. Allen, B. M. Moore, Wm. Callahan, Wm. Seimonton, Daniel Bently, Thomas Martin, R. M. Bugg, A. J. Polk, G. J. Pillow, B. Martin and J. J. Gibson, are hereby constituted a board of commissioners, a majority of whom may act, to manage all the affairs of the company until it shall be organized as aforesaid, and to procure subscriptions for stock, and provide for experimental surveys, as provided in the Nashville and Southern charter &c. Commissioners.

SEC. 4. *Be it enacted,* That the 12th section of the act entitled, an act to incorporate the Mobile and Ohio rail road company, and the Tennessee Central rail road company, passed January 28th, 1848, chap. 118, be and the same is hereby amended, so as to allow said Mobile and Ohio rail road company to commence said rail road within five years after the passage of said act, instead of four years, as required by the said 12th section of said act of 1848. Mobile & Ohio railroad company.

SEC. 5. *Be it enacted,* That the 16th section of the act, passed the 28th day of January, 1848, which authorized certain persons named therein, to act as a board of commissioners to open books and receive re- Tennessee Central railroad company.

turns of subscriptions to the stock of the Tennessee Central rail road company, be so amended, that any six of the persons so named in said section shall, when assembled at any adjourned meeting or meetings, called by the president of said board of commissioners, have full power and authority to act as a board, in the same manner as if all of the commissioners were present.

Time extended.

Sec. 6. *Be it enacted*, That the 17th section of said act, passed 28th day of January, 1848, be so amended, as to extend the time prescribed for obtaining subscriptions to the stock, and organizing the Tennessee Central rail road company, to the 1st day of January, 1856, and the said company be allowed five years from that date, in which to complete their road.

— Bridge over  
Tennessee river.

Sec. 7. *Be it enacted*, That if the State, or any company or corporation aided by the State, shall construct a bridge across the Tennessee river for the passage of locomotives and trains, then the Tennessee Central rail road company, shall have the right to pass their engines and trains over said bridge, and to connect with the line of rail road constructed by any other company on either side of Tennessee river with the like privileges, and upon the same terms and conditions prescribed to individuals, companies or bodies corporate uniting with the Nashville and Chattanooga rail road, in the 40th section of the act incorporating the Nashville and Chattanooga rail road company. *Provided*, nothing therein contained, shall be so construed as to authorize the Governor of the State to endorse and guarantee the bonds of this rail road company herein chartered, either principal or interest.

JORDAN STOKES,

• *Speaker of the House of Representatives.*

M. R. HILL,

*Speaker of the Senate.*

Passed, January 23, 1852.

## CHAPTER LXXVI.

AN ACT to extend the corporate limits of the town of Franklin, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the corporate limits of the town of Franklin in the county of Williamson, be extended as follows: Beginning at the mouth of Sharp's branch, thence up said branch, as it meanders, to a point opposite the mouth of the west end of the street, between the lots Nos. 49 and 50, as laid off in the new plan, south 37° east; thence south 58° west to the south-west corner of lot No. 51; thence south, 37° east to Margin street; thence south, 53° west with Margin street, to a point opposite W. D. G. Boehm's lots; thence south 37° east, crossing Main street to the south east corner of the Academy lot; thence in a straight line to the centre of the Columbia turnpike, to the line between F. B. Carter's land and lots Nos. 17 and 32; thence east with Carter's line to the Harpeth Lick road; thence east to the centre of Big Harpeth river, and thence down the centre of said river as it meanders, to the beginning. New boundary.

SEC. 2. *Be it enacted*, That the persons and property within the extended limits of the town of Franklin, as above described, be subject to all the burdens and entitled to all the rights, privileges and immunities of the corporation of the town of Franklin, as prescribed in the act of the General Assembly incorporating said town, and the several acts for the amendment of the same.

SEC. 3. *Be it further enacted*, That the corporate limits of the town of McMinnville, in the county of Warren, shall be extended in every direction from the centre of the public square six hundred yards, and said corporation shall have the same power in said limits that it now has in said town. *Provided*, that the building of the Farmer's Manufacturing company and the capital stock of said company, shall not be included in and liable to taxation by said corporation. McMinnville extended.

SEC. 4. *Be it enacted*, That no taxes shall be levied or collected by said corporation of Franklin, of and from the persons and property living and being within the bounds hereby added to said corporation for the purpose of paying any debts now due and owing by said corporation, or for any debt or liability which may be incurred by said corporation before the first Saturday in April next, but for all such debts and liabilities, Franklin.

the said corporation shall from time to time, if necessary, levy and collect an additional and extra tax upon the property and persons residing and being within the present corporate limits of this town, subject to taxation for the purpose of satisfying said debts and liabilities.

Sec. 5. *Be it further enacted*, That the corporate limits of the town of Paris, be so extended as to include the public roads on the east, west and north side of the town, until they reach the foot of the first hill on each of said sides of the town.

JORDAN STOKES,

*Speaker of the House of Representatives.*

M. R. HILL,

*Speaker of the Senate.*

Passed, January 27, 1852.

## CHAPTER LXXVII.

AN ACT to amend the act of the 20th of February 1836, chap. 18, sec. 2.

SECTION. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the second section of the act of the 20th of February, 1836, chap. 18, be so amended, that when any will shall be presented for probate, and the same shall be contested as heretofore prescribed by law, if the legatees or devisees or any of them, mentioned in said will be adults and have notice that the probate of such will is contested, it shall be the duty of the court to require such adult, legatees or devisees, to enter into bond and security, payable to the contestant or contestants, in the penal sum of five hundred dollars, conditioned for the faithful prosecution of the suit, and in case of failure therein, to pay all costs that may accrue thereon. *Provided*, that when any such legatee or devisee shall make known to said court, that he or she claims nothing under such will, and is willing that the same shall be set aside and held for nought, he or she shall not be required to enter into bond as aforesaid. And where all of the legatees or devisees are adults, and refuse or fail to enter into such bond, said will shall not be admitted to probate but shall be held for nought, and the property of the supposed testator shall be distributed as other intestates' estates.

SEC. 2. *Be it further enacted*, That in all cases where any paper writing purporting to be a last will and testament, shall have been certified to the circuit court for the purpose of having an issue of *devisavit vel non*, made up therein, and such paper writing shall have been copied into the pleadings or spread upon the minutes of the court, and the same shall have been or may hereafter be lost or mislaid, so that it cannot be produced, it shall and may be lawful, for said court to proceed with the trial of said issue in the same manner as if the original paper were in existence and before the court; and in case of a verdict and judgment in favor of the validity of said will or paper writing as the last will of the deceased, the copy of said will shall be certified to the county court with the verdict and judgment thereon, in the same manner as is now required in regard to the original paper, and said certificate, copy, verdict and judgment, shall have the same effect as if the original paper writing were in existence, and so certified to said county court. Where original lost.

SEC. 3. *Be it enacted*, That persons may be permitted to have an issue made upon any will, either as plaintiffs or defendants under the provisions of the act 1821, chap. 22.

SEC. 4. *Be it enacted*, That this act shall take effect from and after its passage.

JORDAN STOKES,

*Speaker of the House of Representatives.*

M. R. HILL,

*Speaker of the Senate.*

Passed, January 21, 1852.

## CHAPTER LXXVIII.

AN ACT for the relief of John Catron.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Comptroller of the Treasury issue his warrant to John Catron, for three hundred and eighty-five dollars and seventy-six cents, with interest from the first day of January, one thousand eight hundred and forty-three, being money paid by him as lawyer's fees and costs, in the cases of Catron's lessee vs. Gaines and others, for the recovery

of 1078 acres of land in Shelby and Tipton counties, and 500 acres in Obion, conveyed to the State by the Nashville Bank, as stated in resolution No. 17, adopted January 28th, 1846.

SEC. 2. *Be it further enacted*, That the Attorney General for the State, is hereby authorized and directed to prepare a deed for said land to be executed by the said John Catron to the State of Tennessee, in pursuance of his covenant for further assurance contained in the deed to S. B. Marshall, registered in Tipton county, March 22d, 1838, and have the said Deed proved and registered according to law.

JORDAN STOKES,  
*Speaker of the House of Representatives.*  
 M. R. HILL,  
*Speaker of the Senate.*

Passed, January 27, 1852.

## CHAPTER LXXIX.

AN ACT to secure the rights of Widows.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the widow of any person deceased, shall have the term of twelve months from and after the probate of the will, to dissent therefrom.

SEC. 2. *Be it enacted*, That it shall be the duty of the executor or administrator of such estate, to disclose to such widow, upon her application, the state and condition of such estate within the period aforesaid.

SEC. 3. *Be it enacted*, That all laws coming within the purview of this act, be and the same are hereby repealed.

JORDAN STOKES,  
*Speaker of the House of Representatives.*  
 M. R. HILL,  
*Speaker of the Senate.*

Passed, January 27, 1852.

## CHAPTER LXXX.

AN ACT to incorporate the Southern Carriage Manufacturing Company at Nashville.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That E. N. Bassett, F. Hobson, J. Sherwood, C. Lougherst and G. H. Starr, and their successors, heirs and assigns, be, and they are hereby <sup>Incorporation.</sup> incorporated and made a body politic, for the term of ninety-nine years, by the name and style of the Southern Carriage Manufacturing Company, with full power and authority, by that name and style, to sue and be sued, plead and beimpleaded, answer and be answered in any court of law or equity in this State, or any State in the United States, or any place else, and to have and use a common seal for the aforesaid purposes.

SEC. 2. *Be it enacted*, That the capital stock of said <sup>Capital stock.</sup> company may be one hundred thousand dollars, in shares of five hundred dollars each; but that whenever the sum of ten thousand dollars may be subscribed, the business of said company may commence operation, and the capital may be increased, from time to time, in such manner as the directors may prescribe, until the whole shall amount to five hundred thousand dollars.

SEC. 3. *Be it enacted*, That three directors shall be <sup>Elections.</sup> chosen at the time that the business of said company shall be commenced, and annually thereafter, on the first day of January there shall be three individuals chosen as directors out of the stockholders, and one of the three directors to be made President by the choice of said directors, and that said directors and president shall hold their offices one year, and until others are chosen in their places; and that said directors to be chosen by the stockholders, each share being entitled to a vote.

SEC. 4. *Be it enacted*, That the president and directors shall have power to make any by-laws for the regulation and government of their business, not inconsistent with the laws of this State or of the United States. <sup>By-Laws.</sup>

SEC. 5. *Be it enacted*, That the stock of said company <sup>Stock transferable.</sup> shall be assignable and transferable, but no sale or transfer shall be valid, till it be entered on the books or register, to be kept by the directors for that purpose.

SEC. 6. *Be it enacted*, That the company aforesaid, <sup>Hold real estate.</sup> all have power to purchase and hold, to sell and convey in exchange, all such property, real or personal, as may be necessary, convenient or useful in carrying on the business of manufacturing carriages, and vehicles of all descriptions. The said company may also take,

receive and hold such other property, real and personal, as they may find it necessary or convenient to take as security of any debts which in the course of their business may be due to them.

JORDAN STOKES,

*Speaker of the House of Representatives.*

M. R. HILL,

*Speaker of the Senate.*

Passed, January 27, 1852.

## CHAPTER LXXXI.

AN ACT to incorporate the Hiwassee and Calabote Mining Companies.

Hiwassee Mining Company.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That a body corporate and politic, by the name and style of the "Hiwassee Mining Company," for the purpose of exploring for copper, iron, and other ores, minerals and metals, and for mining, working, smelting, manufacturing and vending the same, is hereby constituted and established in this State, to continue and have succession for the term of ninety-nine years, with power to make and use a common seal, and the same to alter at pleasure; to make such by-laws, not inconsistent with the laws of this State, and of the United States, as it may deem useful and necessary for its government, in its said corporate name; to sue and be sued; to plead and be impleaded; to hold by purchase or otherwise, and to dispose, in any way, of any real or personal property, which may be useful, or may be necessary for carrying on its operations, or which it may become possessed of in payment of debts due to it. *Provided always*, That the cost of all such real estate shall not exceed the maximum amount of the capital stock hereinafter provided for.

Capital stock.

SEC. 2. *Be it enacted*, That the capital stock of said company shall be divided into shares of one hundred dollars each, or such other sum as the commissioners, hereinafter named, shall fix and declare, which shall be considered in law as personal property: it shall consist of not less than three hundred thousand dollars, and not more than six hundred thousand dollars: it shall be transferable only on the books of said company, but no transfer or alienation of said stock shall be valid in law or equity, without the consent of the board of directors,

majority thereof being in session, unless the whole amount of said stock shall have been previously paid up in full, or whilst the transferring stockholder shall be in anywise indebted to said company.

Sec. 3. *Be it enacted*, That the directors shall have power to declare as a forfeiture to said company, any share or shares of said stock, which shall remain unpaid, in whole or in part, or in the option of said directors, said company may sue for and recover any such unpaid installments, in whole or in part, before any court of justice having jurisdiction over the sum or sums of money so remaining due on said stock. *Provided*, That said forfeiture shall not be valid as against any stockholder living in this State, unless upon default on the part of a stockholder, after thirty days notice of a call on said stock, to be published in some newspaper printed either in the town of Nashville, or of Athens, or of Knoxville, and after thirty days notice in writing, as to stockholders living out of this State.

Forfeiture of stock

Sec. 4. *Be it enacted*, That said company may at its pleasure, and in such manner and form as the directors shall elect and declare, increase the capital stock thereof to any sum it may deem necessary or advisable between the minimum and maximum amount thereof as hereinbefore provided for; and said directors shall have power to sell, dispose of, or take subscriptions for such increased and additional stock, in such manner and form, and at such time and place, and on such terms as they may think proper to order and prescribe.

May increase Capital.

Sec. 5. *Be it enacted*, That all stockholders not having paid in the calls which shall have been made on their stock, shall be individually liable to the creditors of the company to the amount so remaining unpaid, and in like manner shall the directors be individually bound for any amount they may declare and authorize to be paid to the stockholders as dividends, when at the time of so declaring and paying out, the company shall be unable to pay all the debts due by it. To avoid such responsibility on his part, the dissenting director shall enter, or cause to be entered on the minutes of the board, his dissent therefrom, or if not present when the act is done, he shall so record, or cause to be recorded, his dissent therefrom within the space of thirty days after such dividend shall have been authorized.

Individuals liable to amount of stock.

Sec. 6. *Be it enacted*, That Samuel F. Tracy, John I. Dow, Frederick O. Prince, Nathan T. Dow and Alexander H. Freeman, are hereby appointed commissioners, who, or any three or more of them, may after having given ten days notice of the time and place, or

Commissioners.

times and places for so doing, such place being in or out of this State, as they may choose, open books for subscriptions to the capital stock of said company, and may keep such books open for subscriptions until the number of hundred shares, or greater number as they may decide (not exceeding the maximum number provided for) shall have been taken. So soon as the number of shares agreed upon by the acting commissioners shall have been subscribed for, they shall give not less than ten days notice, and the stockholders may proceed to elect from their own body, a board of directors, each share entitling its owner to one vote in all elections by the stockholders, who may vote by proxy or in person for the said board of directors, or on any question submitted to a meeting of them. The said board of directors shall consist of three, one of whom shall be elected President, and he and the other members of the board shall hold their places for the term of one year, or until their successors shall have been elected. *Provided*, A failure so to elect shall in no wise cause a forfeiture of this charter. *And provided also* That no stockholder shall be entitled to vote, who may be in arrears for calls previously made on stock owned by him. The said president and board of directors shall elect, appoint or employ all other officers, agents, managers, &c. &c., necessary for conducting the affairs of said corporation, and affix their salaries, and do on behalf of the company all such other acts as are incident to such bodies; the said directors causing to be kept regular minutes of their proceedings, which shall be open to the inspection of any share holder desiring to inspect the same.

**Register of stockholders.** SEC. 7. *Be it enacted*, That the directors shall cause a book to be kept, containing the names of all persons who are stockholders of said company, showing their places of residence, and the number of shares of stock held by each respectively, and the time when they became respectively the owners of said shares, and the amount of stock actually paid in, which book shall, during the usual business hours of each secular day, be open at the place of business of said company, for the inspection of the stockholders and creditors of the company and their representatives.

**May divide stock.** SEC. 8. *Be it enacted*, That the said corporation may divide their original stock into such number of shares and provide for the sale and transfer thereof, in such manner and form as they may deem expedient, and whenever said company shall, by purchase, lease or otherwise, become possessed of any mine, mines or

mineral rights without the limits of this State, the directors may make a separate and distinct interest of each mine, and divide such interest into such number of shares as they may deem expedient, (not exceeding in amount three hundred thousand dollars for each mine,) and may levy and collect assessments; forfeit and sell delinquent shares; declare and pay dividends on the shares of said mines, in such manner as their by-laws may direct.

**Sec. 9. *Be it enacted,*** That said corporation shall not contract any debts until fifty thousand dollars of capital stock is paid in, no part of which shall be withdrawn, <sup>shall not contract debts.</sup> or in any manner divested from the business of the company, and shall not contract debts at any time to an amount exceeding the amount of capital stock actually paid in.

**Sec. 10. *Be it enacted,*** That a body corporate and politic, by the name and style of the "Calchote Mining Company," is hereby constituted and established for the same purposes as the Hiwassee Mining Company heretofore chartered and provided for; the stock whereof shall be the same in all respects as the stock allowed to be taken by said Hiwassee Mining Company; that said stock shall be taken and subscribed before the commissioners named and set out in said Hiwassee Mining Company, in the manner therein before directed and prescribed, and the said Calchote Mining Company, and the stockholders therein, shall be entitled to all the rights, privileges and immunities, and subject to all the liabilities imposed on said Hiwassee Mining Company, <sup>Calchote Mining Company.</sup> as fully, amply and completely as if said Calchote Mining Company was now chartered and established in all the sections and words of said Hiwassee Mining Company, by substituting the corporate name of the former in said sections for the corporate name of said Hiwassee Mining Company.

JORDAN STOKES;

*Speaker of the House of Representatives:*

M. R. HILL,

*Speaker of the Senate.*

Passed, January 28, 1852.

## CHAPTER LXXXII.

**AN ACT** to amend the charter of the Fayetteville, Boonshill and Pulaski Turnpike Company, and for other purposes.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Tennessee,* That the charter of the Fayetteville, Boonshill and Pulaski Turnpike Company shall be so amended, as to authorize said company to appoint boards of directors, to consist of five members instead of the present number, three of whom shall constitute a quorum, which board shall be elected annually, on the second Thursday in March, and shall have power to fill any vacancies that may occur in said board between the annual elections.

*Grade.*

**SEC. 2.** *Be it enacted,* That the grading of said road may be extended to four degrees, but not over that number, and the directors, at their discretion, may make such slight changes in the location as to them may seem necessary and proper.

**SEC. 3.** *Be it enacted,* That the measurement of said road shall commence at the court houses, in the towns of Fayetteville and Pulaski respectively.

*Location of toll gate.*

**SEC. 4.** *Be it enacted,* That upon the application of the President and Directors of said road, the county court of Lincoln county may appoint twelve commissioners, freeholders, who are not stockholders in any turnpike company, who shall locate a gate at some convenient point, not less than one nor more than two miles west from the court house in the town of Fayetteville, which gate, when so located, shall be permanent. But should it appear to the county court, at any time, that such location operates as a public injury, the court shall have power to order and cause such gate to be removed the distance from the town of Fayetteville now prescribed by law, or to make such other order, in relation thereto, as equity and justice may require.

*Mulberry Female Academy.*

**SEC. 5.** *Be it further enacted,* That the charter of the Mulberry Female Academy, be, and the same is hereby so amended, as to reduce the number of trustees from nine to seven, a majority of whom shall constitute a quorum.

**JORDAN STOKES,**

*Speaker of the House of Representatives.*

**M. R. HILL,**

*Speaker of the Senate.*

Passed, January 20, 1852.

## CHAPTER LXXXIII.

AN ACT to incorporate the Soule Female College, at Murfreesboro'.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Tennessee,* That, Legrand H. Carney, Simeon B. Christy, William Spence, D. D. Wendel, William F. Lytle, Joseph Watkins, B. W. Avent, John Leiper, and Thomas W. Randle, and their successors in office, be and they are hereby constituted a body corporate and politic, by the name and style of the Trustees of the Soule Female College, at Murfreesboro', and by that name and style, shall have full power and authority to have and to use a common seal; and the same to break, alter or amend at pleasure, to sue and be sued, plead and be impleaded in any of the courts of law or equity in this State. Incorporation.

**SEC. 2.** *Be it further enacted,* That the capital stock of said corporation shall not exceed one hundred thousand dollars, which the trustees, or any number of them, may own upon such conditions, and such restrictions, as may be agreed upon by themselves; and any portion of said fund may be subscribed as stock, purchased, received as donations or otherwise, as the said trustees may determine. Capital Stock.

**SEC. 3.** *Be it further enacted,* That upon the death, resignation or other removal, of any one or more of said trustees, the vacancy or vacancies, thereby occasioned, shall be supplied by the remaining trustees, a quorum of the same being present. *Provided,* No election for this purpose shall be held until three weeks notice of the time and place of such election shall have been given to each one of the trustees, or if that be impracticable, until three weeks notice thereof shall have been published in some newspaper in Murfreesboro'. *Provided further,* That a majority of the board of trustees shall consist of members of the Methodist Episcopal Church South. Vacancies.

**SEC. 4.** *Be it further enacted,* That said trustees shall have full power and authority to elect a President of the said College, who shall be, *ex officio*, a member of the board of trustees, and president of the same; also a Secretary, Treasurer, and such Professors, Tutors, and other officers in said College, as they may deem necessary; to fix their respective salaries, and to make such by-laws, rules and regulations as in their opinion may be deemed expedient and necessary, provided the same be not inconsistent with the constitution and laws of this State, or those of the United States; and that any Election of officers.

five of said trustees shall constitute a quorum, and the president shall have authority to convene them, by giving five days notice, and it shall be in the power of any three of said trustees, by giving two weeks notice, of the time and place of meeting, in some newspaper printed in Murfreesboro'.

*Confer degrees.* SEC. 5. *Be it further enacted*, That the president and board of trustees shall have full power and authority to confer upon any student in said college, or upon any other person, such literary degrees as are or may be known and used in any Female Institution of learning in any of these United States.

*Misnomer.* SEC. 6. *Be it enacted*, That no misnomer or erroneous description of the corporation hereby created in any will, deed, gift, grant, demise or other instrument of contract or conveyance, shall vitiate or defeat the same, but the same shall take effect in like manner as if said corporation were properly designated and correctly named. *Provided always*, That the description in any such case or cases be sufficient to ascertain the intention of the parties.

SEC. 7. *Be it enacted*, That the land on which said college shall be situated, together with the buildings, school fixtures and apparatus of said corporation, shall be exempt from taxation, both for State and county purposes.

JORDAN STOKES,

*Speaker of the House of Representatives.*

M. R. HILL,

*Speaker of the Senate.*

Passed, January 2, 1852.

## CHAPTER LXXXIV.

AN ACT to incorporate the Memphis Savings Institution.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That J. M. Patrick, S. Bradford, R. L. Kay, Wm. Stewart, J. W. Young, A. H. Douglass, A. B. Shaw and J. E. Maxwell, their associates and successors, be, and they are hereby created a body corporate and politic, by the name and style of the Memphis Savings Institution; with the same privileges, provisions and exemptions as those heretofore conferred on the Nashville Savings Institution, by a charter granted January 1850.

SEC. 2. *Be it enacted*, That the word "Memphis", be substituted for the word "Nashville," wherever it occurs, when necessary to apply to the foregoing act.

JORDAN STOKES,

*Speaker of the House of Representatives.*

M. R. HILL,

*Speaker of the Senate.*

Passed, February 4, 1852.

## CHAPTER LXXXV.

AN ACT to authorize the purchase of two hundred copies of Caruthers & Nicholson, and the supplement thereto, for the use of the State and for distribution.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Secretary of State be, and he is hereby authorized to purchase for the use of the State, and for distribution, as hereinafter directed, two hundred copies of the compilation of the Statutes of Tennessee, by Caruthers and Nicholson, and the supplement thereto by Nicholson, and that the Comptroller of the Treasury issue his warrant for a sum sufficient to pay for the same, and the expense of distributing the same, out of any money in the treasury not otherwise appropriated.

SEC. 2. *Be it enacted*, That the Secretary of State retain thirty copies of each in the State library for the use of the State, and that he distribute to each Justice of the Peace or other officer, entitled by law to a copy, who has not heretofore or whose predecessor has not heretofore been supplied with a copy thereof. *Provid-*

ed, that when any such justice or other officer shall show to his satisfaction by affidavit or otherwise, that the copy of the Statutes have been accidentally and without fault on his part destroyed, said justice or other officer, shall be entitled to a copy of the Statutes, as though said justice or other officer had never been supplied.

JORDAN STOKES,  
*Speaker of the House of Representatives.*  
 M. R. HILL,  
*Speaker of the Senate.*

Passed, February 11, 1852.

## CHAPTER LXXXVI.

AN ACT to amend the laws relating to lost instruments.

Plaintiff.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That a plaintiff who is excused by law from making profert of any instrument sued upon, because it is lost or mislaid, may after the lapse of two years from the maturity thereof, enforce any judgment which he may obtain thereon without giving bond to indemnify the defendant against any future action or suit thereon.

Defendant.

SEC. 2. *Be it enacted*, That the defendant in any such case, may plead the judgment in bar of any suit brought against him by the actual holder of such bond, note or other instrument, after the lapse of two years from the maturity thereof, and when a suit is brought upon such instrument by the actual holder thereof, the true owner shall be permitted by the court to plead in the name of the defendant, the plea of no assignment verified by affidavit of himself or his agent.

JORDAN STOKES,  
*Speaker of the House of Representatives.*  
 M. R. HILL,  
*Speaker of the Senate.*

Passed, February 6, 1852.

## CHAPTER LXXXVII.

AN ACT to transfer the District of Lincoln county, to the Middle Chancery Division, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the chancery court for the district of Lincoln county, held at Fayetteville, is hereby transferred to the Fourth Division, and the same shall be held by the chancellor of the fourth division on the 4th Mondays in February and August, and the chancery court at Shelbyville shall hereafter begin on Thursday after the 4th Mondays in February and August, and continue until the cases on the docket shall be disposed of.

Sec. 2. *Be it further enacted*, That the chancery court at Springfield in the county of Robertson, is hereby transferred to the Middle Chancery Division, and the same shall be held by the chancellor thereof. Springfield.

JORDAN STOKES,

*Speaker of the House of Representatives.*

M. R. HILL,

*Speaker of the Senate.*

Passed, January 26, 1852.

## CHAPTER LXXXVIII.

AN ACT to allow John P. Wortham one hundred dollars for recapturing an escaped convict.

*Be it enacted by the General Assembly of the State of Tennessee*, That the sum of one hundred dollars is hereby appropriated out of any money in the treasury not otherwise appropriated, to John P. Wortham, for recapturing in Arkansas, an escaped convict, William W. Bowles, and placing him in the Penitentiary at Nashville; and that the comptroller issue his warrant to the said John P. Wortham for the same.

JORDAN STOKES,

*Speaker of the House of Representatives.*

M. R. HILL,

*Speaker of the Senate.*

Passed, February 6, 1852.

## CHAPTER LXXXIX.

AN ACT to aid in the completion of the East Tennessee and Georgia Rail Road.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That for the purpose of aiding in the completion of the East Tennessee and Georgia rail road, so soon as the Governor may be satisfied that a good substantial and permanent bridge has been constructed and finished complete across the Tennessee river, at or near Blair's ferry, ready for laying down the iron rails thereon, to be begun, carried on and completed under the direction and superintendence of the engineer of said rail road, and to be perfected by him and accepted as finished, then and in that case, it shall be the duty of the Governor to issue to said company coupon bonds of the State of Tennessee, sufficient to pay for the construction of said bridge: *Provided*, that he shall not issue more than one hundred thousand dollars in bonds as aforesaid for said object, and which said bonds shall bear an interest of six per cent. per annum, and have not less than thirty nor more than forty years to run to maturity.

Governor shall  
issue bonds.

Toll.

SEC. 2. *Be it enacted*, That for the purpose of enabling the said company to raise a fund for the payment of the interest on said bonds, and also to pay the principal thereof, at or before maturity, the said company are authorized and required to demand and receive from all passengers crossing said bridge in said rail road cars, in addition to the regular charges, the further sum of ten cents on each passenger, as bridge toll, and it shall be the duty of the said company to collect the said sum at the same time the regular passage money is collected, and to render a monthly account thereof, and pay over monthly the said sum in some bank at Knoxville, taking the receipt of the bank therefor, and the sum so deposited in bank shall at all times be subject to the check of the comptroller of the treasury for the payment of the interest on said bonds, and any overplus after the payment of said interest, shall be passed to the credit of the company in discharge of the principal due on any one or more of said bonds. *Provided*, that as soon as the interest and principal of said bonds shall be paid, the said company shall be released from the exaction of said additional charge.

State Treas.

SEC. 3. *Be it enacted*, That the express conditions on which any bonds under this act shall be issued to said company, are, that upon the issuance of said bonds the said rail road and bridge, with all the appurtenances

thereto belonging, and the interest of the individual stockholders therein, and the tolls, issues and profits of said road and bridge, shall be and is by force of this act vested in the State for the security of the State against the payment of the bonds issued under this act and the interest thereon, and the State is hereby declared to be vested with all the rights to have and hold upon the issuance of the bonds authorized by this act, the entire road and bridge and all the appurtenances thereto belonging, and all the tolls, issues and the profits of the stock for the security of the payment of said bonds and the interest thereon accruing, as a mortgage to secure the payment of the same, and said road and all its appurtenances of every kind and description, shall be subject to any law that has been or may hereafter be passed for the enforcement of mortgages in like cases.

SEC. 4. *Be it enacted*, That if the East Tennessee and Georgia rail road company shall not undertake to complete that road to Knoxville, the benefits of this act shall enure to and be conferred upon any rail road company that will undertake the same and comply with the provisions of this act. Other road.

SEC. 5. *Be it enacted*, That if the East Tennessee and Georgia rail road company, or any other company that will undertake to complete said road to Knoxville, shall locate said road on a different route than may make it necessary to construct a bridge across the Tennessee river at or near Blair's ferry, the provisions of this act shall enure and apply to any bridge or bridges that may be constructed upon such other route, but in no case, shall the amount of bonds to be issued exceed one hundred thousand dollars. Other route.

SEC. 6. *Be it enacted*, That no bridge or bridges to be constructed on said road, shall obstruct the free navigation of any river or rivers. Obstructions.

JORDAN STOKES,

*Speaker of the House of Representatives.*

M. R. HILL,

*Speaker of the Senate.*

Passed, February 4, 1852.

## CHAPTER XO.

AN ACT to amend the act of 1806, section 31st, relative to the manner of Processioning.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That if any person be desirous of establishing one or more lines of his land, held by a registered grant or a registered deed, founded upon a North Carolina, Kentucky or Tennessee grant, he shall cause notice of the time appointed for processioning, and of the corner where he intends to begin, at least twenty days before the day of surveying, to be posted at the court house door of the county and the precinct, or voting place in each district where the land is situate; and that the claimants or agents for, or tenants of the adjoining lands shall have twenty days notice of such day and corner.

SEC. 2. *Be it enacted*, That such notices, certified by Surveys, plat and certificate, a sworn officer, or proved by a private person before the county surveyor, shall authorize such surveyor, on request, to proceed to survey such lines, following the natural boundaries where any or old marked lines, if any, and re-mark according to the calls of such deed or grant, and if such lines have not been marked, then mark new lines; and the said surveyor shall make a correct plat and certificate of the survey, and return the same to the register of the county, to be recorded at the expense of the applicant.

SEC. 3. *Be it enacted*, That in case the lines are Lines contested. contested by adverse claimants, the sheriff of the county shall, upon the application of either party, summon a jury to try the matter in dispute, and their decision shall be a guide to the surveyor in making his return as aforesaid, and that the surveyor shall be entitled to the same fees, to be paid by the person or persons at whose instance such processioning shall be made, and be subject to the same penalties as prescribed in other cases; and that the fees of the said jury shall be paid by the party against whom they decide.

SEC. 4. *Be it enacted*, That this act shall take effect from and after the 1st of March next.

JORDAN STOKES,  
*Speaker of the House of Representatives.*

M. R. HILL,  
*Speaker of the Senate.*

Passed, February 6, 1852.

## CHAPTER XCI.

AN ACT to declare the rule of construction in bills of sale, deeds and wills; and other instruments of writing.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That where, a remainder shall be limited to the heirs or heirs of the body of a person to whom a life estate in the same premises shall be given the persons who, on the termination of the life estate, shall be heirs, or heirs of the body of such tenant, shall be entitled to take as purchasers by virtue of the remainder so limited to them. Remainder man to take as purchasers.

SEC. 2. *Be it further enacted,* That the rule of construction set forth in the first section of this act shall apply to all bills of sale, deeds and devises in last wills and testaments, or other instruments of writing, purporting to convey an estate, real or personal, which shall be made and executed after the passage of this act. To apply to all instruments of writing conveying estates.

SEC. 3. *Be it further enacted,* That every contingent limitation in any deed or will, made to depend upon the dying of any person without heir, or heirs of the body; or without issue, or issues of the body; or without children or offspring, or descendant or other relative, shall be held and interpreted a limitation, to take effect when such person shall die not having such heir or issue, or child or offspring, or descendant or other relative (as the case may be) living at the time of his death, or born to him within ten months thereafter, unless the intention of such limitation be otherwise, and expressly and plainly declared in the face of the deed or will creating it. *Provided,* That the rule of construction contained in this section shall not extend to any deed or will made and executed before the first day of January, 1852. Limitation—how interpreted.

JORDAN STOKES,

*Speaker of the House of Representatives.*

M. R. HILL,

*Speaker of the Senate.*

Passed, January 26, 1852.

## CHAPTER XCII.

AN ACT to amend an act passed the 30th December, 1849, chapter 185, and increase the jurisdiction of the County Courts.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That, hereafter, whenever any bond, bill, note, or other evidence of indebtedness shall be executed by virtue of the provisions of an act passed the 30th December, 1849, chapter 185, entitled "an act to give the county courts jurisdiction to provide for the partition and distribution of the estates of deceased persons," the several county courts in this State shall have and exercise the same power and jurisdiction to render judgment and award execution, that the circuit and chancery courts now have in such cases.

SEC. 2. *Be it enacted*, That the judgments upon the notes or bonds executed by purchasers of estates, real or personal, mentioned in the first section, may be rendered at any term of the quorum court, upon five days notice being given to the makers and endorsers or obligors of the notes or bonds, of the intention to move for a judgment, and execution thereon shall be returnable to the county or quorum court that holds its session four months after the rendition of the judgment.

SEC. 3. *Be it enacted*, That in case any issue of fact is necessary to be tried in such motions, the quorum court shall have power to direct the sheriff to summon a jury upon application of either party, and no appeal to the circuit court will be allowed from the judgment of the county court, but a writ of error or appeal in nature thereof will lie to the supreme court, upon the party giving bond and security according to the laws now providing for writs of error or appeal in nature thereof from the circuit to supreme court.

JORDAN STOKES,

*Speaker of the House of Representatives.*

M. R. HILL,

*Speaker of the Senate.*

Passed, January 26, 1852.

## CHAPTER XCIII.

AN ACT to incorporate the Huntsville Turnpike Company.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That Allen McDonald, of the county of Scott, be, and he is hereby authorized to open and construct a new turnpike road from Jamestown, in the county of Fentress, by way of Abner Philips'; and thence by John Sandusky's, and thence through the town of Huntsville, in Scott county; and thence the nearest and best way to Jacksborough, in Campbell county; and to build and make said road equal to a second class road, according to the laws of Tennessee, where practicable.

SEC. 2. *Be it further enacted,* That Abner Philips, John Sandusky, Joshua Duncan, and George W. Sharp, are hereby appointed commissioners to run and mark out said road; and when the said Allen McDonald shall give said commissioners notice that the said road is opened and in good repair for traveling, according to the provisions of this act, it shall be the duty of said commissioners to attend and examine said road, and if they find said road opened and in repair, in manner as prescribed by this act, then said commissioners shall issue a license to the said Allen McDonald to erect a toll gate on said road, at such places as said McDonald may think proper; and shall be entitled to the following toll, to wit: For each six horse wagon, drawn by six horses, mules or oxen, seventy-five cents; for each four horse wagon, drawn by four horses, mules or oxen, fifty cents; for each two horse wagon, drawn by two horses, mules or oxen, twenty-five cents, for each pleasure carriage, drawn by two horses or mules, fifty cents, if drawn by one horse or mule, twenty-five cents; for each man, on horse or mule, ten cents; for each led horse or mule, five cents; for each head of horses, cattle or mules, in a drove, two cents; for each head of hogs or sheep, in a drove, one cent.

SEC. 3. *Be it enacted,* That it shall be the duty of said commissioners, by this act appointed, to examine and view said road at any time, on receiving notice, in writing, that said road is out of repair; and if at any time they shall receive, in writing, as aforesaid, and view the road, and find it to be in the repair prescribed in this act, then, and in that case, the person or persons giving that notice shall pay to the said commissioners, each, one dollar per day for their services in viewing said road; but if at any time said commissioners shall

find said road not in the repair contemplated by this act, it shall be their duty to open said gate, and keep the same open while said road is out of repair, and until the proprietor shall notify said commissioners that the said road is in the repair contemplated by this act, and on receiving such notice, it shall be the duty of said commissioners to examine said road; and should it be found in the repair contemplated by this act, to shut said gate for the receiving of toll.

**Penalty for avoiding gates.** SEC. 4. *Be it enacted*, That if any person shall pass said toll gate arbitrarily, or within one mile of said gate for the purpose of avoiding the toll, such person or persons shall forfeit and pay to said proprietor the sum of ten dollars, to be recovered by warrant before any justice of the peace in this State.

**Oath.** SEC. 5. *Be it enacted*, That said commissioners, appointed by this act, shall, before entering upon the duties of their appointment, take and subscribe the following oath: I do solemnly swear, that I will well and truly perform the duties enjoined on me by this act according to the best of my knowledge and belief—**Compensation.** *Help me God.* The said commissioners shall be entitled to receive each at the rate of one dollar per day for every day they may be necessarily engaged in performing the duties enjoined on them by this act, to be paid by the proprietor of said road.

**Time to open and complete road.** SEC. 6. *Be it enacted*, That the said proprietor shall have five years to open and complete said road, and shall have succession for thirty-five years, and no longer; and that the citizens of the counties of Campbell, Scott and Fentress, traveling on horse back, shall not be required to pay toll on said road.

JORDAN STOKES,

*Speaker of the House of Representatives.*

M. R. HILL,

*Speaker of the Senate.*

Passed, January 24, 1852.

## CHAPTER XCIV.

AN ACT to continue the construction of the State Capitol.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the sum of two hundred and fifty thousand dollars be, and the same is hereby

appropriated to the building of the State Capitol, to <sup>Amount appropriated,</sup> raised in the same manner as the appropriation of 49, 1850, and that the same commissioners be continued for the ensuing two years, with the same powers they now possess.

Sec. 2. *Be it enacted*, That the bonds of the State, <sup>Bonds.</sup> authorized to be issued for the building of the Capitol, may be of a denomination not exceeding one thousand dollars, and shall run to maturity in a period not exceeding twenty years.

Sec. 3. *Be it enacted*, That guardians and other trustees, <sup>Trustees may invest.</sup> not especially directed by the instruments under which they may act as to a mode of investing funds under their control, may invest the same in these bonds, which shall be credited to them in their settlement as such.

Sec. 4. *Be it enacted*, That the chancery, circuit, and supreme courts may <sup>Courts may invest in all State bonds.</sup> cause funds under their control to be invested in these or other bonds of this State.

Sec. 5. *Be it further enacted*; That the Treasurer of the State is hereby authorized and directed to receive, <sup>Union Bank bonds.</sup> the warrant of the Comptroller, from the Union Bank of Tennessee, the bonus and the dividends arising on the State stock in said bank, which may be due the first of January next, and apply the same to the payment of the Union Bank bonds which fall due in 1853; and whatever balance may remain unpaid on said bonds, the Treasurer of the State is hereby directed, by the warrant of the Comptroller, to pay out of the State Treasury.

Sec. 6. *Be it enacted*, That the President of the Bank of Tennessee, <sup>President of Bank of Tennessee.</sup> is hereby required to act as agent for the Treasurer in paying said bonds; provided the Comptroller and Treasurer deem it advantageous for him so to act.

Sec. 7. *Be it enacted*, That this act shall be in force from and after its passage.

JORDAN STOKES,  
*Speaker of the House of Representatives.*

M. R. HILL,  
*Speaker of the Senate.*

Passed, January 31, 1852.

## CHAPTER XCV.

AN ACT to amend an act, entitled "an act to reduce the expenses of laying out widows' dower," passed 17th December, 1849.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the sixth section of said act be so amended, that the county surveyor or his deputy be, and is hereby authorized to administer the oath to the other two commissioners for the true and faithful performance of their duties, in the room and stead of a judge or justice of the peace, as now required by said act.

SEC. 2. *Be it enacted*, That the commissioners shall be allowed one dollar each, for each day they may serve in laying off a widow's dower.

JORDAN STOKES,

Speaker of the House of Representatives.

M. R. HILL,

Speaker of the Senate.

Passed, January 24, 1852.

## CHAPTER XCVI.

AN ACT to amend the charter of the town of South Nashville, in the county of Davidson.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Mayor and Aldermen of the town of South Nashville, in the county of Davidson, shall have power to levy and collect wharfage upon all water-crafts landing at the wharf of said town and to make all needful rules and regulations for the control and management of the same.

May collect wharfage.

Tax.

SEC. 2. *Be it further enacted*, That said Mayor and Aldermen shall have power to levy and collect all taxes, within the limits of said town, as they may deem necessary for carrying into effect the powers conferred upon said town, in the charter thereof, and to levy and collect a tax, not exceeding four mills in the dollar for the purpose of sustaining the free schools within the limits of the town, upon the taxable property within the limits thereof, and a tax equal to the State county tax upon all polls and privileges therein, the purpose aforesaid. *Provided*, That the common school commissioners of the ninth, tenth, and sec-

School Tax.

districts, in Davidson county, shall have power to pay to said free school the school fund for said districts in proportion to the number of children in said districts embraced within the limits of said town.

SEC. 3. *Be it further enacted*, That the Recorder of said town, be, and he is hereby invested with concurrent jurisdiction with justices of the peace in all cases of violations of the criminal laws of the State, or of the ordinances of said town; within the limits thereof. Recorder.

SEC. 4. *Be it further enacted*, That the Mayor and Aldermen of said town, upon a vote of a majority of the taxable inhabitants thereof in its favor, may make such contract or arrangement with the Mayor and Aldermen of the city of Nashville, for attaching the inhabitants of said town to said city, and for uniting both corporations into one corporation, under the charter of the said city of Nashville, as may be deemed most advisable by the parties, and not otherwise. May unite with Nashville.

SEC. 5. *Be it further enacted*, That this act shall take effect from and after its passage.

SEC. 6. *Be it enacted*, That the board of mayor and aldermen of said town, shall cause said corporation to be divided into a convenient number of wards, to be laid off as equally as to population as the same can conveniently be done. Wards.

SEC. 7. *Be it enacted*, That the second, third, fourth and fifth sections of an act, passed the 31st of January, 1848, entitled, "an act to reduce the several acts incorporating the town of Nashville into one act, and to amend the same, be, and are hereby made a part of the charter of the town of South Nashville, except as to the time of the election of the mayor and aldermen of said town, and the mayor and aldermen of said town of South Nashville shall be elected on the first Saturday in January, 1853, and on the first Saturday in January, in each and every year thereafter.

SEC. 8. *Be it enacted*, That the present board of mayor and aldermen of South Nashville, shall hold their offices until the first Saturday in January, 1853, and until their successors are elected and qualified, and shall have all the powers, and be subjected to all the duties prescribed in the preceding sections of this act.

JORDAN STOKES,

*Speaker of the House of Representatives.*

M. R. HILL,

*Speaker of the Senate.*

Passed, January 29, 1852.

## CHAPTER XCVII.

AN ACT to prevent abuses in taking up slaves as runaways.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That no slave in any city or incorporated town, going at large in the vicinity of the residence of the owner or rightful possessor of such slave, shall be committed to prison as a runaway.

SEC. 2. *Be it enacted*, That the police officers of towns and cities shall not take up or detain as a runaway, nor shall any magistrate commit as a runaway, any slave found going at large within such town or city, when the master or rightful possessor of such slave resides in such town or city.

SEC. 3. *Be it enacted*, That in case any slave be found by persons on patrol, or by the police of towns or cities, going at large without a pass or permit from the master or rightful possessor, and without being able to give a reasonable account of himself, the patrol or police officer, so finding such slave, shall detain him or her in some safe place of custody, but not in the county jail, and shall post up at the watch station, or head quarters of such police, a notice of such detention, and on application of the owner or possessor of such slave, shall deliver the same to him, on payment of the sum of one dollar. *Provided*, Nothing herein contained shall be so construed as to prevent the police authority or town constables of any incorporated town in this State from arresting or taking up any slave who shall be guilty of violating the laws of said corporation by disorderly conduct, for which he is now subject.

SEC. 4. *Be it enacted*, That persons arresting runaway slaves from other States shall have twenty-five dollars therefor, instead of five, as now allowed by law.

JORDAN STOKES.

*Speaker of the House of Representatives.*

M. R. HILL,

*Speaker of the Senate.*

Passed, February 10, 1852.

## CHAPTER XCVII.

AN ACT to charter the Memphis, Clarksville and Louisville Rail Road Company.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Robert M. House, Edmund Howard, Newton Hollingsworth, John S. Hart, J. Anderson, Robt. H. McClure, N. H. Allen, Robt. G. Johnson, Will. Dudley, George W. Hampton, Jas. E. Bailey, and their associates, who shall be stockholders in a rail road company, and their successors, under the name and style of the Memphis, Clarksville and Louisville rail road company, are hereby declared to be a body corporate and politic, under the laws of Tennessee, with succession for ninety-nine years, and a common seal, with capacity to sue and be sued, receive and enjoy to them and their successors, property and estate of whatever nature and quantity, and the same to alien, transfer and dispose of, so far as may be necessary to carry into effect the main object of this charter, which is hereby declared to be the construction, use and maintenance of a rail road from Memphis in Tennessee, through Clarksville to Louisville, or to some suitable point where said rail road shall intersect the Nashville and Louisville rail road in the State of Kentucky. Incorporation

SEC. 2. *Be it further enacted*, That said company shall have power to unite with any company that may be chartered by the legislature of the State of Kentucky, for the construction of a rail road from Louisville, or some suitable point on the line of the Nashville and Louisville rail road, to the boundary line of the State of Tennessee, to unite with the rail road from Memphis as aforesaid, and to consolidate said two rail roads, and the stock of the two companies so as to make one rail road and one company, in such manner and upon such terms as said company may deem best. May unite with other roads.

SEC. 3. *Be it further enacted*, That the capital stock of said company shall be three millions of dollars, to be divided into shares of one hundred dollars each, and said company shall have power to increase the capital stock of said company to four millions. *Provided*, that at all the meetings of said stockholders where a vote is to be taken, each stockholder shall be entitled to vote in person or by proxy, and in the election of directors, and all other elections which may come before the stockholders, the vote shall be taken according to the following scale, to wit: the owner of one or two shares, shall be entitled to one vote; the Capital stock.

**Scale of voting.** owner of not less than three, nor more than four shares, shall be entitled to two votes; the owner of not less than five nor more than six shares, shall be entitled to three votes; the owner of not less than seven nor more than eight shares, shall be entitled to four votes; the owner of not less than nine nor more than eleven shares, shall be entitled to five votes; the owner of not less than twelve nor more than fifteen shares, shall be entitled to six votes; the owner of not less than sixteen shares nor more than twenty, shall be entitled to seven votes; the owner of not less than twenty-one nor more than twenty-six shares, to eight votes; the owner of not less than twenty-seven nor more than thirty-three shares, to nine votes; the owner of not less than thirty-four nor more than forty shares, to ten votes; and the owner of every ten shares above forty, shall be entitled to one vote therefor. *Provided*, No individual, corporation or company, shall be entitled to more than one hundred and fifty votes. *Provided further*, That whenever fifty thousand dollars of said stock is subscribed, said company may organize and elect a board of directors, who may elect a president from their number, as prescribed in the Nashville and Chattanooga rail road company, who, when elected, shall be president of the board of directors and of the company, and no person shall be president or director of said company, unless he is the owner of at least twenty shares of the capital stock of said company, which he shall have held at least three months previous to his election, except the first.

**Commissioners.** SEC. 4. *Be it further enacted*, That the aforesaid Robert M. House, Edmund Howard, John S. Hart, Newton Hollingsworth, J. Anderson, Robt. W. McClure, Robt. G. Johnson, Geo. W. Hampton, N. H. Allen, William Dudley and Jas. E. Bailey, be, and they are hereby constituted a board of commissioners, a majority of whom may act, to manage all the affairs of said company, until it shall be organized by the election of a board of directors as aforesaid, to procure subscriptions of the stock by themselves or by the appointment of agents for that purpose, or in such manner as they may deem best, to provide for experimental surveys of routes for said road, or any part thereof, and for the payment of the same, and for procuring said subscription for stock, out of such call on the stock subscribed for, as they may deem advisable. *Provided*, They shall not be required to require the payment of any part of the stock subscribed for, at the time the same is subscribed for and taken.

SEC. 5. *Be it further enacted*, That said company shall have the right when necessary to construct said road across or along any public road or water course. Cross roads and water courses. *Provided*, That said company shall not obstruct such public road or water course, and should said company run said road upon the line of any turnpike road, it shall and may be lawful for said company, to make such contract or arrangement with said turnpike company, as may be deemed best by the parties, by permitting said turnpike company to subscribe for such amount of stock in said rail road company, as may be agreed upon by the parties in lieu of the value of or damages to said turnpike company. *Provided*, That the 22d section of the charter of the Nashville and Chattanooga rail road company, shall not be binding upon, extend to, or be any part of the charter of the Memphis, Clarksville and Louisville rail road company.

SEC. 6. *Be it further enacted*, That said company shall have power to extend said rail road across the Tennessee and Kentucky line, so as to connect with any rail road that may be built by the State of Kentucky or her citizens, from any point on the Nashville and Louisville rail road, so as to form one connected continued road from Memphis by Clarksville, to the point of intersection with the Nashville and Louisville rail road in the direction towards Russellville and Bowling Green, Kentucky, or beyond these towns if necessary, to the point of junction with the Nashville and Louisville rail road. May extend in to Kentucky.

SEC. 7. *Be it further enacted*, That said company may, in their sound discretion, commence building said road at Memphis, at the point where it will cross the Tennessee river at Clarksville, or on the Kentucky line as they may deem best. Where to begin.

SEC. 8. *Be it further enacted*, That whenever said company shall have completed that part of said road from the town of Clarksville to the State line or junction with the Louisville and Nashville rail road, or to the city of Louisville, they shall have all the rights and privileges conferred by this charter for the period of ninety-nine years.

SEC. 9. *Be it further enacted*, That said company shall have ten years to complete said road, and five years to complete that part of said road from Clarksville to the Kentucky line, or to the junction with the Louisville and Nashville rail road on to the city of Louisville. When to complete.

SEC. 10. *Be it further enacted*, That said company shall be, and they are hereby vested with all the rights, Powers, &c.

powers and privileges, and subject to all the restrictions and liabilities of the Nashville and Chattanooga rail road company, except otherwise provided in this charter.

May connect  
with other com-  
panies.

SEC. 11. *Be it further enacted*, That said company shall have the right, should they deem it necessary to exercise it, to intersect and unite with the North Western rail road, or the Nashville and Memphis rail road or both of them, at any point or points between Clarks-ville and the city of Memphis.

JORDAN STOKES,

*Speaker of the House of Representatives.*

M. R. HILL,

*Speaker of the Senate.*

Passed, January 28, 1852.

## CHAPTER XCIX.

AN ACT to repeal the 4th section of the act of the 7th February, 1850, and to reduce taxes on the people.

SECTION. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the 4th section of an act passed the 7th of February, 1850, entitled "an act to reduce the tax on merchant's license, and to draw out all the taxable property of the State," be so amended, that salt, iron, sugar, coffee, molasses, spun cotton and garden seeds, shall only be taxed in the hands of persons setting themselves up as grocers, pedlars or merchants. *Provided*, it does not extend to an amount over five hundred dollars in one year, and that the part of the 4th section of the act this is intended to amend, be, and the same is hereby repealed.

SEC. 2. *Be it enacted*, That the first section of the above recited act, be so amended, that wholesale merchants, retail merchants and commission merchants, shall only be required to pay fifty cents, instead of seventy-five cents on the hundred dollars, as therein provided.

JORDAN STOKES,

*Speaker of the House of Representatives.*

M. R. HILL,

*Speaker of the Senate.*

Passed, February 11, 1852.

## CHAPTER C.

AN ACT to amend the Laws of this State relative to proceedings before Justices of the Peace,

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That in all suits and proceedings in any of the courts of this State, wherein the judgment or proceedings of justices of the peace shall arise or be involved either directly or collaterally, every indictment and presumption shall be made in favor of their sufficiency and validity, when it appears upon the face of such proceedings, that the justice had jurisdiction of the subject matter and of the parties.

SEC. 2. *Be it enacted*, That no civil case originating before a justice of the peace and carried to any higher court, shall be by such court dismissed for any informality whatever, but the same shall be tried upon the merits, and such court shall allow all amendments, either in the form of the action, the parties thereto or the statement of the cause of action, which may be necessary to reach the merits of the case, imposing such terms upon the party in whose favor the amendment may be made, as shall appear just and proper.

SEC. 3. *Be it further enacted*, That the return of an appeal bond with the other papers returned to the circuit court, in any case of an appeal from a justice of the peace to the circuit court, shall be *prima facie* evidence, that an appeal was prayed and granted in the case. *Provided, however*, that it may be shown that an appeal was not prayed and granted within the time prescribed by law.

JORDAN STOKES,

*Speaker of the House of Representatives.*

M. R. HILL,

*Speaker of the Senate.*

Passed, February 10, 1852.

## CHAPTER CI.

AN ACT to amend the 1st section of an act amending an act passed the 17th January, 1838.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That an act passed on the 17th January, 1838, amending an act passed on the 15th February, 1836, setting forth the property, privileges and occupations liable to taxation in this State, be so amended, that on the information of any citizen, the clerk of the circuit court or any justice of the peace, shall issue a *capias ad respondendum*, or bail warrant, against any hawker, pedlar or person, establishing any show or attempting to sell any goods, wares or merchandize, traveling on horse-back or vehicle, or on foot, who shall fail or refuse to pay the taxes provided for in said act, and whatever hawker, pedlar or person establishing any show, or attempting to sell any goods, wares and merchandize, shall fail or refuse to pay the taxes aforesaid, shall be proceeded against as is provided in said act of the 17th January, 1838.

SEC. 2. That the sheriff or other officer executing the *capias ad respondendum*, or bail warrant, shall be authorized and required to take from the defendant bond and security, with condition to pay and satisfy the judgment of the court, that may be rendered against him.

JORDAN STOKES,

*Speaker of the House of Representatives.*

M. R. HILL,

*Speaker of the Senate.*

Passed, January 28, 1852.

## CHAPTER CII.

AN ACT to better regulate the manner of keeping the finances of the Penitentiary, and for other purposes,

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That there shall be two clerks appointed by the inspectors of the Penitentiary, one of said clerks shall be designated and known as the Treasury Clerk of the Penitentiary, and the other clerk shall be designated and known as the Auditing Clerk of the Penitentiary. The treasury clerk, before enter-

Two clerks.

ing upon the duties of his office, shall give his bond with two or more good and sufficient securities for the payment of five thousand dollars, payable to the State of Tennessee, conditioned for the true and faithful performance of all the duties required of him by law as treasury clerk, and shall take and subscribe the same oath as is now provided to be taken and subscribed by the officers of said Penitentiary by an act of the General Assembly, passed in 1829, chapter 38, and sec. 37.

SEC. 2. *Be it enacted*, That said auditing clerk, before entering upon the duties of his office, shall give his bond with two or more good and sufficient securities for the payment of the sum of two thousand dollars, payable to the State of Tennessee, conditioned for the true and faithful performance of all the duties required of him by law as auditing clerk, and he shall take and subscribe the same oath designated in the first section of this act, and when the bonds contemplated by this act, shall be executed, they shall be acknowledged before the comptroller of the treasury of the State, and he shall judge as to the sufficiency of the securities, and if he shall consider the securities sufficient, he shall file such bond or bonds in his office for safe keeping. shall give bond.

SEC. 3. *Be it enacted*, That the treasury clerk shall do and perform all the duties that are now required by law, to be performed by the clerk of said prison, that are not inconsistent with the provisions of this act, and shall receive and safely keep all sums of money paid over to him by the agent and keeper of said prison, or that may be paid to him by the order or direction of said agent and keeper, as money belonging to said prison, and shall keep in a well bound book or books, to be procured by the agent and keeper for that purpose, a true and faithful account of all sums of money by him received in the manner aforesaid, and he shall also keep a true and faithful account of all sums of money paid out, as by this act directed. Duties of treasury clerk.

SEC. 4. *Be it enacted*, That the said treasury clerk, shall keep a correct and true account of all the financial transactions and dealings of the officers of said prison, and shall pay out no money except upon the warrant of the auditing clerk, and he shall charge the agent and keeper of said prison with all the finished work and resources of the prison of every kind that shall be communicated to him by the auditing clerk, as proper items to charge said agent and keeper with, and he shall credit the account of said keeper with all such sums of money and items, that shall be commu-

nicated to him by the said auditing clerk as proper sums and items of credit.

SEC. 5. *Be it enacted*, That it shall be the duty of said auditing clerk to attend from time to time, and as often as it may be necessary, in the various workshops and at such other places in and about said prison, and number and mark and set apart by the piece, dozen or gross, all finished work with the price to be sold as designated by the keeper, and communicate the same to the treasury clerk, who shall register the same and charge the agent and keeper therewith; and said auditing clerk shall also keep in a well bound book, to be furnished by the keeper for that purpose, a true and accurate account of all such finished work with date, number and price; and if there shall be any other resources out of which revenue to the prison shall be made, the auditing clerk shall communicate such resources with the amount of revenue due to the prison, which shall be charged to the keeper in like manner.

In case of disagreement. SEC. 6. *Be it enacted*, That the auditing clerk shall settle and audit all claims and accounts for and against the agent and keeper of said prison, and if any difference of opinion shall arise between the said agent and keeper, and the said auditing clerk on the settlement of any claim or account, and they cannot agree as to how the same shall be settled, then and in all such cases; the inspectors of said prison shall examine the matter of such disagreement, and direct how the same shall be settled, and the auditing clerk shall report to the treasury clerk accordingly.

Treasury clerk to deposit excess in bank. SEC. 7. *Be it enacted*, That if at any time the sum of fifteen hundred dollars or more, shall be accumulated in the hands of the treasury clerk, he shall deposit the excess over one thousand dollars in the bank of the State of Tennessee, subject to be drawn out by him as the necessities of the business of said agent and keeper may require, and he shall report all his transactions with said bank to the auditing clerk, who shall keep a true record of the same.

Keeper may draw monies. SEC. 8. *Be it enacted*, That the agent and keeper may at any time, in the manner directed by this act, draw out of any monies that may be on hand in the hands of the treasury clerk, any sum that he may deem necessary to expend in the lawful business transactions of said prison.

How keeper to account. SEC. 9. *Be it enacted*, That in all cases when the keeper shall make purchases of any raw material to be manufactured in said prison, or articles to be consumed or used, or live stock of any kind, when the same

shall be delivered at, or in said prison, the said agent shall make out his account against the prison for the cost of such materials or articles, or live stock, with all the necessary expenses that he may have been at in procuring the delivery of the same at or in said prison; or if the said agent and keeper shall in any other way pay out money for the use and benefit of said prison, he shall in like manner make out his account against said prison, and in all cases he shall present his account to the auditing clerk, who shall strictly examine the same, and if found to be correct and reasonable, shall allow the same, and give to said agent and keeper a receipt for the amount of such account, which receipt the said keeper shall present to the treasury clerk, who shall countersign the same, and hand it back to said keeper, and the treasury clerk shall place a credit on his books in favor of said keeper for the amount of such receipt, with number and date. The auditing clerk shall record in his book or books the number, date and amount of all such accounts and receipts.

Sec. 10. *Be it enacted*, That if any damage shall be sustained to any of said materials, articles or live stock after the same shall have been purchased by said agent and keeper, and before the same shall have been delivered in or at said prison, then, and in all such cases, the keeper shall present his account for such loss and damage to the auditing clerk, and if it shall appear to the auditing clerk, that said keeper has been guilty of no negligence of his duty in such case, then the auditing clerk shall examine such account, and if the same shall be reasonable, he shall give to the keeper a receipt for the amount allowed in the same manner as contemplated in the 9th section of this act.

Damage to materials, &c.

Sec. 11. *Be it enacted*, That if said keeper shall ascertain that any article or thing belonging to said prison and for sale, has been set or marked at a price higher than the same can be sold for, he shall, in the presence of the auditing clerk, set a less price on such article or thing for sale, for which sum of difference between the first and last price he shall give to said keeper a receipt as in other cases of giving him receipts, and if said keeper shall at any time sell any article or other thing belonging to said prison, at a higher price than that at which the same may be charged to him, he shall pay the whole amount of such sale to the treasury clerk as in other cases of sales.

Reduction or increase in price of articles.

Sec. 12. *Be it enacted*, That the two clerks mentioned in this act shall each do and perform such other

**Compensation of clerks.** services as clerks of said prison, as may be assigned or directed for them to do by the inspectors of said prison; and that the treasury clerk shall receive as a compensation for his services, the sum of fifty dollars for each month he shall serve, and the auditing clerk shall receive the sum of sixty-seven dollars for each month he shall serve; each clerk to be paid monthly out of any monies in the hands of said treasury clerk. *Provided*, nothing in this act, shall be so construed as to prevent the inspectors of said prison from removing said clerks or either of them, and appointing another or others in his or their stead.

**Additional cells** SEC. 13. *Be it enacted*, That the agent and keeper may, with the consent and advice of the inspectors of said prison, build and construct such additional number of cells in said prison, as to the said inspectors shall seem expedient and best for the safe keeping of the prisoners in said prison.

**Salaries** SEC. 14. *Be it further enacted*, That the salary of the deputy keeper of the penitentiary, shall hereafter be eight hundred dollars per annum. The salary of the assistant keepers as turn-keys commonly called guards each, four hundred dollars, to be paid as the salaries of said officers are now paid by law.

**Penalty for attempt to cheat, &c. &c.** SEC. 15. *Be it enacted*, That if any officer or agent or clerk of said penitentiary, shall embezzle any of the funds thereof, or appropriate the same or any part thereof to his own use, with intent to cheat and defraud the State of Tennessee, or shall make false entries upon the books of said penitentiary, or shall fail to make correct entries with intent to defraud the State of Tennessee, or any other person whatever, such officer, agent or clerk, shall be held and deemed guilty of felony, and upon conviction thereof, shall undergo confinement in the jail and penitentiary of this State for a period not less than three nor more than ten years.

JORDAN STOKES,  
*Speaker of the House of Representatives.*  
 M. R. HILL,  
*Speaker of the Senate.*

Passed, January 9, 1852.

## CHAPTER CIII.

AN ACT to incorporate the Tallahoma Mining and Manufacturing Company of Tennessee, and for other purposes.

WHEREAS, It is represented to the General Assembly of Tennessee, that Volney S. Stevenson, Thomas A. Anderson, and their associates, are the proprietors of large tracts of land containing valuable deposits of coal, iron ores, and other minerals of great value, and that they desire to organize a company for operating their said mines and manufacturing iron and other articles, and that the revenue of the State, and the public welfare will be promoted by the organization of the company. Therefore:

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Volney S. Stevenson and Thomas A. Anderson or either one of them be, and they are hereby authorized to open books for subscription at such times and places as they may deem proper, and the owners of the shares thus subscribed, shall be and the same are hereby created a body politic and corporate, under the name and style of The Tallahoma Mining and Manufacturing Company of Tennessee, and by that name, may contract and be contracted with, sue and be sued, plead and be impleaded, answer and be answered unto, and prosecute to final judgment in any court or elsewhere, and have and use a common seal, and change the same at will: with power and authority to purchase, receive in donation, enjoy and possess estate, real, personal or mixed; and to lease, rent, sell, alienate and convey, or otherwise dispose of the same or any part thereof, with all rights, powers and privileges, necessary and proper for them as a separate incorporated company, having the same privileges and restrictions granted as are in this charter. Incorporation.

SEC. 2. The capital stock of the company shall consist of ten thousand shares of one hundred dollars each, of which the lands and mines of Volney S. Stevenson and his associates may constitute a part, at such price as be may agreed on between the said Volney S. Stevenson and his associates, and the president and directors of said company; and the said shares shall be deemed and held as personal property, transferable only on the books of the company. Capital Stock.

SEC. 3. The said company may from time to time increase their capital stock. *Provided*, It shall at no time exceed ten thousand shares over and above the May increase capital.

value of their real estate, and provided they shall at no time hold more than one hundred thousand acres of land.

**May construct roads.** SEC. 4. The company may erect and carry on mills and manufactories; they may construct such railroads, turnpikes or other roads as they may deem necessary and proper for the successful arrangement of their business, or to connect their mines or manufactories with any railroads or other roads, or navigable water course or courses, in the State of Tennessee.

**By Laws.** SEC. 5. When said company shall have been organized by the election of not less than two or more than five directors, the president and directors may make and establish rules and by-laws for the government of the company, and modify and repeal the same at pleasure.

**When liable.** SEC. 6. If the capital stock of said company be withdrawn and refunded to the stockholders, before the payment of all debts due from the company for which said stock would have been liable, the stockholders shall be liable to such creditors in action founded on this act to the amount of the sum refunded to them respectively as aforesaid. *Provided always*, That if any such stockholder shall be compelled by such action to pay debts to any creditor, or any part thereof, he shall have the right by bill in equity, to call upon all the stockholders to whom any part of said stock has been refunded, to contribute their proportional part of the sum paid by him as aforesaid.

**Liability of Directors.** SEC. 7. If the directors of said company shall declare and pay a dividend when the corporation is insolvent, or any dividend, the payment of which, would render it insolvent, knowing such corporation to be insolvent, or that the payment would render it so, the directors assenting thereto, shall be jointly and severally liable in an action founded on this statute for all debts due from such corporation at the time of declaring such dividend. *Provided*, That each director present at the time of declaring such dividend shall be held as assenting thereto, unless he shall enter his protest on the books of the company against declaring such dividend.

SEC. 8. The stockholders shall be jointly and severally individually liable for all debts that may be due and owing to all their laborers, servants and apprentices for services performed for said corporation.

**Conflicting laws repealed.** SEC. 9. In order to secure more fully all the privileges granted in this charter to the said Volney S. Stevenson and Thomas A. Anderson and their associates, all laws now in force, that will in any way conflict

with or hinder the operations of this charter, be, and they are hereby repealed.

SEC. 10. *Be it enacted*, That a body corporate and politic is hereby constituted and established by the name and style of Pleasant Run Manufacturing Company, for the purpose of manufacturing cotton and woolen goods, or either of them separately, for the making of machinery or implements of wood, iron or other materials; and that said company is empowered to have and use a common seal, to change the same at pleasure, to make such by-laws and regulations, not inconsistent with the laws and constitution of the United States, as may be necessary or useful, to contract and be contracted with, to sue and be sued, to have succession, and to hold, buy, purchase or otherwise, any real or personal property, and to dispose of the same, that may be necessary or convenient for carrying out its operations, or which may be acquired for debts due to it in whole or in part.

Pleasant Run  
Manufacturing  
Company.

SEC. 11. That the capital stock of said company shall be fifty thousand dollars, which may be increased to one hundred thousand, whenever deemed necessary by the stockholders, and which shall be divided into shares of fifty dollars each. Said stock shall be transferrable on the books of the company only, and then not without the consent of the board of directors, unless the whole amount of instalments due thereon shall have been previously paid.

Capital stock.

SEC. 12. That the board of directors of said company for the time being, or a majority of them, shall have power to call for and require of the stockholders respectively, all sums of money by them subscribed at such times, and in such proportions and in such places as they, (the directors) may see fit, under penalty of a forfeiture of the share or shares of such delinquent stockholder, and of the payments previously made thereon, thirty days notice being given of each call.

Calls on stock.

SEC. 13. William Nuckalls, Pitser Miller and James B. Harris are hereby appointed Commissioners, and they or a majority of them, shall open books of subscription to the capital stock of said company, giving twenty days notice thereof, and when one half the number of shares shall have been subscribed for, they shall after due notice, proceed to elect seven directors; who with a president elected by them from their own body, shall manage the affairs of said company and hold their office for one year or until their successors are chosen. The election of said directors shall be annual and each stockholder shall have one vote, which may

Commissioners.

be given by proxy for every share he may hold. *Provided*, That the privileges herein granted shall not continue longer than ninety-nine years.

SEC. 14. *Be it enacted*, That Oliver Wetmore, Leonard Bostwick, William H. Wyles, Wm. N. Bilbo and A. O. P. Nicholson, their associates and successors, are hereby constituted a body politic and corporate by the name of The Cochecho Mining Company, for the purpose of exploring for copper, iron and other ores, metals and minerals, and for mining, working, smelting and vending the same, and for such purposes may erect all necessary buildings and other apparatus and fixtures for carrying on their operations; and by that name may sue and be sued, plead and be impleaded, appear, prosecute and defend, in any court of law or equity whatsoever, in all suits and actions; may have a common seal, and the same alter or renew at pleasure, and may enjoy all the privileges incident to corporations, and may purchase, hold, mortgage, transfer and convey any real and personal estate.

SEC. 15. The first meeting of said corporation may be called by the persons named in this act, or any three of them, at such time and place as they may elect, and at such meeting a board of directors shall be chosen from among the stockholders, by the votes of a majority of the stockholders present at such meeting; and such board of directors shall take charge of the operations of the company, subject to such rules and regulations as may be adopted by the stockholders. Said directors shall hold office for one year, or until their successors are appointed; and may adopt such by-laws and regulations for the government of the concerns of the company as they may deem expedient, not inconsistent with the rules made by the stockholders as aforesaid, nor with the constitution and laws of the United States and of this State.

SEC. 16. The directors shall cause a book to be kept containing the names of all persons who are stockholders of said company, showing their place of residence and the number of shares of stock held by each respectively, and the time when they became respectively the owners of said shares, and the amount of stock actually paid in; which book shall, during the usual business hours of each secular day, be open at the place of business of said company, for the inspection of the stockholders and creditors of the company and their representatives.

SEC. 17. The said corporation may divide their original stock into such number of shares and provide for

the sale and transfer thereof, in such manner and form as they may deem expedient, and, whenever said company shall, by purchase, lien or otherwise, become possessed of any mine, mines, or mineral rights, without the limits of this State, the directors may make a separate and distinct interest of each mine, and divide said interest into such number of shares as they may deem expedient, (not exceeding in amount two hundred thousand dollars for each mine,) and may levy and collect assessments, forfeit and sell delinquent shares, declare and pay dividends on the shares of said mines in such manner as their by-laws may direct. May divide stock.

SEC. 18. Said corporation shall not contract any debts until the sum of fifty thousand dollars of the capital stock is paid in, no part of which shall be withdrawn, or in any manner diverted from the business of the company, and shall not contract debts at any time to an amount exceeding the amount of capital stock of said company.

SEC. 19. This act shall take effect immediately.

JORDAN STOKES,

*Speaker of the House of Representatives.*

M. R. HILL,

*Speaker of the Senate.*

Passed, January 23, 1852.

## CHAPTER CIV.

AN ACT to incorporate the Literary Institution of St. Agnes, in Shelby county.

WHEREAS, There now exists in the city of Memphis, a Literary Institution for the education of Females, called St. Agnes, conducted and sustained by an association of ladies, to which pupils of every denomination are admitted without restriction. Therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the said Institution shall be Incorporation. denominated and known by the name of the St. Agnes Female Academy, to consist of such members and be subject to such government, as hereinafter provided.

SEC. 2. *Be it enacted*, That said Institution shall consist of six members, namely: Lucy Harper, Ann Simpson, Emily Tharp, Vincentia Fitzspatrick, Veronia Ray and Frances Couly. The said members and their successors, by the name of the St. Agnes Female Academy, shall be a body politic and corporate, and have perpetual succession, and the said corporation may obtain and hold by purchase or otherwise, any property real or personal, and may dispose of the same at pleasure, for the purposes of said institution and not otherwise.

By-Laws.

SEC. 3. *Be it enacted*, That the said members and their successors, shall have power to make all such by-laws and rules for the government of said institution and corporation, as they may deem necessary, to elect a superior to preside over the same for such period as they may fix, and all such other officers and agents as they may deem proper.

SEC. 4. *Be it enacted*, That this charter may at any time be repealed or modified. *Provided*, That if said corporation should be dissolved, all its property, real and personal, shall remain and vest in the members of said institution for their use and benefit.

Degrees.

SEC. 5. *Be it enacted*, That said corporation shall have power to confer all literary honors, degrees and testimonials, usual in institutions of a like kind of the highest grade.

SEC. 6. *Be it enacted*, That said corporation shall have and enjoy all the powers and privileges necessary to carry out the full objects of their incorporation, and which have been granted to any institution for female education in this State.

Vacancy.

SEC. 7. *Be it enacted*, That all vacancies in the membership of said corporation, shall be filled by the appointment of others, made by a majority of the remaining members.

Presbyterian  
Church at Mur-  
freesboro'.

SEC. 8. *Be it enacted*, That William Eagleton, James Manney, Samuel Anderson, Wilson L. Watkins and D. D. Windel, the pastor and elders of the Presbyterian church at Murfreesborough, and their successors in office, be, and they are hereby constituted a body corporate and politic, by the name and style of the Pastor and Elders of the Presbyterian church at Murfreesborough, and by that name, shall have perpetual succession, said corporation may obtain and hold property of any description whatever, either by purchase or otherwise, and may dispose of the same at any time, and in such manner as to them may seem proper, for the use and benefit of said church; they may also sue and be sued, in any court of law or equity in this State, and shall

have all such other powers and authority, as are granted to corporations and bodies politic in this State.

SEC. 9. *Be it enacted*, That E. D. Wheeler, Jos. H. Eaton, William Eagleton, W. A. Reid, Jos. S. Carles, D. W. Taylor, Thos. J. Burchett and H. W. B. Mitchell, and their successors in office, be, and they are hereby constituted a body corporate and politic, by the name and style of the officers and members of the Murfreesborough Camp No. 1, Order of Nazarites, with the same powers and authority, privileges and immunities, as are given to the corporation created by the 8th section of this act.

Camp No. 1,  
Order of Nazarites.

SEC. 10. *Be it further enacted*, That an act, entitled "an act to incorporate Danceyville Female Academy," passed on the 1st February, 1850, be, and the same is hereby repealed.

Danceyville Female Academy.

SEC. 11. *Be it enacted*, That there be established in Danceyville, in the county of Haywood, and State of Tennessee, an institution of Learning having a corporate existence, under the name and style of Danceyville Female Institute.

Danceyville Female Institute.

SEC. 12. *Be it enacted*, That said institution shall be governed by seven trustees, who, as well as their successors, shall be elected by the stockholders of said Institute on the last Saturday in December, in each and every year, and shall hold their office enjoying all the rights and privileges of the same, for one year only, unless the stockholders of said Institute fail to assemble and elect a new board, as this charter directs, in which event, those trustees who were last elected, under the provisions of this act, shall continue and be recognized as such, with all the powers and privileges granted by this act, unless such election is made as herein prescribed. All vacancies that may occur in their body shall be filled by the board and entered upon their minutes. Said trustees may elect from their board a president, secretary and treasurer, and it shall be their duty to keep a correct record of their proceedings, which shall be transmitted at the expiration of their term of office to their successors.

Powers.

SEC. 13. *Be it enacted*, That the trustees of said Institute when elected as herein prescribed, shall constitute a body politic and corporate, a majority of whom shall constitute a quorum for the transaction of business; the first board of trustees shall consist of F. B. Kerr, Thomas Shapard, W. L. Cappedge, Samuel Taylor, W. B. Pewett, John W. Rawlings and W. A. Browne, who are to remain in office until the last Saturday in December, 1852, when an election of trustees.

Trustees.

tees shall take place, according to the provisions of this act.

**Sec. 14.** *Be it enacted,* That said board of trustees shall have power to employ all necessary teachers and lecturers, fix the rates of tuition, prescribe the course of studies in said Institute, make all necessary rules and regulations, hold real, personal and mixed estate, by purchase or otherwise, and to sell, exchange and convey the same as the interest of the Institute may require, to sue and be sued, plead and be impleaded, and have a common seal, and if they think proper, to confer, in conjunction with the teachers, such literary degrees and diplomas as are usual in academies, and to have and enjoy all other powers and privileges, that are common to corporations of this kind, inclusive of the power to make all necessary by-laws relative to said Institute, not inconsistent with the constitution and laws of this State or of the United States.

**Sec. 15.** *Be it enacted,* That the trustees be and they **May open books.** are hereby authorized to open books for the subscription of stock in such shares as they may agree upon, to raise a library fund, which, when raised, shall be under the supervision and control of said board of trustees, or an officer appointed by them.

JORDAN STOKES,

*Speaker of the House of Representatives.*

M. R. HILL,

*Speaker of the Senate.*

Passed, January 24, 1852.

## CHAPTER CV.

AN ACT to change the time of holding the Courts in the 14th Judicial Circuit.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the circuit courts in the county of Wayne shall be holden on the first Mondays of February, June and October; in the county of Hickman on the third Mondays in February, June and October; In the county of Perry on the fourth Mondays in February, June and October.

SEC. 2. *Be it further enacted*, That the chancery courts for the counties of Wayne and Hardin be hereafter held as follows: For the county of Wayne on the third Mondays in February and August, and for the county of Hardin on the fourth Mondays in March and September, in each year. Chancery Courts  
in Wayne and  
Hardin.

SEC. 3. *Be it further enacted*, That the circuit courts for the county of Taylor, when established, shall be held on the first Mondays in April, August and December, in each year. Taylor County.

JORDAN STOKES,

*Speaker of the House of Representatives.*

M. R. HILL,

*Speaker of the Senate.*

Passed, February 2, 1852.

## CHAPTER CV.

AN ACT to incorporate the Augusta, Atlanta and Nashville Magnetic Telegraph Company.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That James M. Bean, John H. Glover, William L. Mitchell, and their associates, who have acquired, or may acquire from said Morse, the right to construct and carry on the Electro Magnetic Telegraph, by him invented and patented, through this State on the route from the city of Augusta, Georgia, to the city of Nashville, Tennessee, be, and the same are hereby created a body politic and corporate, for the purpose of erecting and maintaining a line of said telegraph on the route aforesaid, and transmitting intelligence by means thereof, under the name and style of Incorporation.

the Augusta, Atlanta and Nashville Magnetic Telegraph Company.

Capital Stock.

SEC. 2. *Be it enacted*, That the capital stock of said company shall consist of eighty thousand six hundred and seventy-five dollars, in shares of one hundred dollars each, to be issued to the said James M. Bean, John H. Glover, William L. Mitchell, and to those who have heretofore, or may hereafter, contribute funds for the construction and improvement of said line of telegraph, in such proportion as the said above mentioned persons and the subscribers and contributors as aforesaid have heretofore agreed, or may hereafter agree upon.

SEC. 3. *Be it enacted*, That said company shall have power and authority to build or purchase any connecting or side line in this State, and may enlarge its capital for that purpose.

Election of officers.

SEC. 4. *Be it enacted*, That the persons mentioned in the first section of this act, shall have power to call a meeting of the share holders, giving three weeks notice of the time and place of such meeting, in at least one public gazette, published respectively at Augusta and Atlanta, Georgia, and Chattanooga, in this State, for the purpose of electing a President, Secretary and Treasurer, together with a suitable number of directors, to be determined on by the stockholders.

SEC. 5. *Be it enacted*, That the directors, and all officers of said company, shall hold their respective offices for one year, and until their successors shall be elected, and shall exercise such powers pertaining to the building and management of said telegraph, not repugnant to, or incompatible with the constitution and laws of the State and of the United States, as may be authorized by the by-laws of the said corporation.

Proxies.

SEC. 6. *Be it enacted*, That at every election, each share shall entitle its holder to one vote, and absent stockholders may vote by proxies, producing written authority from them. In case of an equal number of votes on both sides, the election shall be decided by lot.

Powers.

SEC. 7. *Be it enacted*, That said company shall have power to sue and be sued, plead and be impleaded, to make and use a common seal, and alter the same at pleasure, to purchase and hold such real and personal estate, as the lawful purposes of the said corporation may require, and the same to sell and convey, or in any wise dispose of as they may see proper; to appoint such officers and agents as may be necessary to manage the business of said company; to make by-laws, not repugnant to the laws of the land, and generally to

use, exercise and enjoy all rights and privileges which are incident to incorporation companies.

SEC. 8. *Be it enacted*, That said company shall have power and authority to contract with any person or persons, or bodies corporate; for the purpose of connecting its lines of telegraph with lines out of this State. Connect with lines out of this State.

SEC. 9. *Be it enacted*, That said company shall have power and authority to set up their fixtures along and across any highway or ways, and any railroad which now, or may hereafter, belong to the State or incorporated companies, without the same being held and deemed a public nuisance, or subject to be abated by any person or corporations, provided said fixtures be so placed as not to interfere with the common use of said road, waters or water courses, or with the convenience of any land owner, further than is unavoidable; and the said corporation shall be liable and responsible for any damages which any corporation or private person may sustain by the erection, continuance and use of any such fixtures; and in any action brought for the recovery thereof, by the owner or occupier of any lands, the damages to be awarded, may, at the election of the said corporation, include the damage of allowing the said fixtures permanently to continue, on the payment of said damages, the right of the corporation to continue such fixtures shall be confirmed, as if granted by the parties to the suit. *Provided*, That no person or body politic shall be entitled to sue for or recover damages as aforesaid, until the said company, after due notice, shall have refused, or neglected to remove the fixtures complained of within a reasonable time. And every person or persons, who shall destroy or commit any trespass upon the fixtures of said company, erected in pursuance of the authority hereby given, actually interrupting, or with an intent to interrupt the operations of the telegraph of said company, shall pay to said company the sum of five hundred dollars for each and every such trespass, and shall be further liable for all damages which the said corporation may suffer in repairing the injury and in the interruption of its business, to be recovered before any court of law having jurisdiction thereof, and shall be further liable to indictment, and on conviction be fined and imprisoned at the discretion of the court. And if any person incurring the penalty aforesaid, shall, through insolvency or any other cause, be unable or shall fail to pay the penalty and damages aforesaid, and shall a second time destroy or commit a trespass upon any such fixtures as afore- Trespass.

said, such person shall be subject to be imprisoned, not less than one nor more than six months.

Public Despatch.  
es.

Sec. 10. *Be it enacted*, That said company shall be bound, upon the application of any officer of this State, or of the United States, in the event of any war, insurrection, or other civil commotion, or resistance to public authority, or in punishment or prevention of any crime, or the arrest of persons charged or suspected thereof, to give to the communications of such officers immediate dispatch. And if any officer, clerk or operator of the said company shall refuse, or wilfully omit to transmit such communication, or shall designedly alter or falsify the same for any purpose, whatsoever, shall be subject, upon conviction thereof, to be fined and imprisoned at the discretion of the court. The said company shall not charge a higher price than shall be usually charged for private communications of the same length.

Agents exempt.

Sec. 11. *Be it enacted*, That the clerks and operators, actually engaged in the transmission of intelligence at the several telegraph stations of the said company, shall be, and they are hereby exempt from the performance of any military and patrol duty.

Service of process.

Sec. 12. *Be it enacted*, That service of process shall be legal and valid on said corporation, if the same shall be left at the office of the company within any district of this State, provided the president of the company is absent from and beyond the limits of said district. This act shall be deemed a public act.

Office at Shelbyville.

Sec. 13. *Be it further enacted*, That said company shall establish an office in the town of Shelbyville, in Bedford county. *Provided*, The citizens of said town of Shelbyville and Bedford county shall take stock enough in said company to pay for the construction of the telegraph line to said town of Shelbyville from the main line, and to pay for the machinery necessary for said office.

JORDAN STOKES,

*Speaker of the House of Representatives.*

M. R. HILL,

*Speaker of the Senate.*

Passed, January 22, 1852.

## CHAPTER CVII.

**AN ACT** to compensate the Comptroller of the Treasury for Clerk hire and extra services.

WHEREAS, the Legislature of 1849-50 made it the duty of the Comptroller to calculate and pay semi-annually the interest accruing on all the outstanding bonds of the State: And whereas, additional labor was thrown upon the Comptroller by the issuance of upwards of four hundred thousand dollars of coupon bonds, the coupon to be signed and numbered by the Comptroller. Therefore, to compensate him for clerk hire and the additional labor imposed on him by the last General Assembly,

*Be it enacted by the General Assembly of the State of Tennessee,* That the Comptroller is hereby authorized to draw from the State Treasury the sum of two hundred and fifty dollars per annum for the two years, ending the first day of March, 1852.

JORDAN STOKES,

*Speaker of the House of Representatives.*

M. R. HILL,

*Speaker of the Senate.*

Passed, February 11, 1852.

## CHAPTER CVIII.

**AN ACT** to incorporate the Poplar Creek and Cumberland Mountain Coal Company.

WHEREAS, it is represented to the General Assembly of the State of Tennessee, That William Clark and Mortimer F. Johnson have made purchase of extensive beds of coal and lands, in and near to the Cumberland Mountain, containing deposits of the best quality of mineral coal, and for the purpose of enabling them to get out the same with the greatest economy, and to deliver it within the facilities of navigation, and at points upon the East Tennessee and Georgia Railroad, that the same may be within the reach of the consumer, and at a price to warrant the extensive consumption of the same: and also with a view to the great increase of the revenue of the State—affording large amounts of transit and use upon the public avenues of communication—thereby aiding the general interests of manufactures in one of the most essential elements, in the cheapening, and in

the success of public and private enterprize. Therefore,

**Incorporation.** SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That William Clark and Mortimer F. Johnson, and their associates, shall be, and they are hereby incorporated, by the name and style of "The Poplar Creek and Cumberland Mountain Coal Company," and by that name, shall have succession for thirty years, and shall be able to contract, and be contracted with, sue and be sued, plead and be impleaded, in any courts of law or equity in the State of Tennessee, to make and use a common seal, and the same to alter and renew at pleasure, and to make such by-laws and regulations as are necessary and useful in their business, not inconsistent with existing laws.

**Capital Stock.** SEC. 2. *Be it enacted,* That the capital stock of said company may consist of one thousand shares, of one hundred dollars each, to be subscribed for as hereinafter provided, and subject to such calls as may be determined by the company. The company shall have power to declare forfeited to it, any stock which may remain unpaid, in whole or in part, or it may, at its option, sue for and recover the unpaid amount before any tribunal having jurisdiction of such sums; first, however, giving thirty days notice of such call having been made.

**Open Books.** SEC. 3. *Be it enacted,* That the said William Clark and M. F. Johnson shall within ninety days from the passage of this act, open stock subscription books, and keep the same open until the whole amount shall have been subscribed, requiring one dollar per share, for each share so subscribed, to be paid at the time of subscribing.

**Organization.** SEC. 4. *Be it enacted,* That said company on due notice, on the first Monday of July, annually, in person or proxy to each stockholders, shall proceed to elect three directors, each share of stock being entitled to one vote, the said directors shall elect one of their number president, and the board thus organized shall manage the affairs of the company one year, or until their successors shall be elected.

**Powers.** SEC. 5. *Be it enacted,* That said company shall have power to hold and own such an amount of real estate as may be necessary for its business; may construct such common roads, plank roads and railroads as may be necessary for their business. *Provided,* That they obtain the consent of the owners of the lands through which said roads may pass; and for a like purpose, may improve the navigation of Clinch river. *Provided,*

That they do not thereby cause the overflow of the lands adjacent thereto; and in like manner only and for like purposes, they may improve the navigation of Poplar creek, but so as not to overflow the lands adjacent thereto, provided it shall not interfere with the machinery or springs used on said creek. The said company shall have power to own and use any water-craft or line of steamers for the transportation of coal and other minerals, salt, &c., and the right of purchase and ownership of docks, wharves and cold yards at any point of delivery, for trans-shipment or market on the line of the East Tennessee and Georgia Railroad.

SEC. 6. *Be it enacted*, That said coal company shall have power and authority to construct a railroad from or near the lands entered by Jordan Lively, in Anderson county, at the base of the Cumberland Mountain, by entry No. 727, through Walden's Ridge, near the salt wells recently sunk by Professor Estabrook, to the most convenient point of navigation on Poplar creek. *Provided*, That said company shall first obtain the consent of the owners of the lands over which said railroad may be located. Railroad.

SEC. 7. *Be it further enacted*, That the stock and property of said company, of whatever kind or nature the same may be, shall be deemed personal property; that said company shall keep a stock book, and proper books of accounts, as well as a record of proceedings of stockholders and the action of directors by a secretary, to act officially with the president, who may be chief clerk. Said president, or president and directors, may appoint and remove at pleasure all officers, agents and superintendents employed in the business of said company, and shall report to their successors at each annual election of directors, on the first Monday of July, the transactions of the company, and amount of profit or loss; that any surplus may be applied as the stockholders may direct, by dividends or to extend the business of the company. Books.

JORDAN STOKES,  
*Speaker of the House of Representatives.*

M. R. HILL,  
*Speaker of the Senate.*

Passed, January 28, 1852.

## CHAPTER CIX.

AN ACT to amend an act, entitled, "an act to amend an act, entitled an act, to appoint suitable persons to open and keep in repair that part of the road leading from South West Point to Carthage, which lies on Cumberland Mountain," passed, 15th November, 1815. Passed February 15th, 1836.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Tennessee,* That Patrick Brady and Edward Brady, junior, be constituted a body politic and corporate, by the name of "the White Plains Turnpike Company," and in that name to sue and be sued, plead and be impleaded, and they are hereby authorized and empowered to continue that part of said road which leads from White Plains to John Stewart's old place on Cumberland Mountain, so as to intersect the Gordon road, to be under the same rules, regulations and restrictions as required by the act granting the charter to Thomas Bounds, Esq., for the same road, and to receive the same rates of toll that the said Bounds was authorized to receive, and that the commissioners appointed by this act have the same power, and shall receive the same emoluments as specified in said act of 15th of November, 1815, being the act amended by the act which this is intended to amend.

**SEC. 2.** *Be it enacted,* That the said corporation shall have full power and authority to erect a single gate, which shall be erected and kept at the house of said Brady, where it now stands, and at which shall be received the same fees, charges and tolls as are receivable and payable under the first section of this act, and the acts of 15th November, 1815, and 15th February, 1836, of which this act is amendatory.

**SEC. 3.** *Be it enacted,* That the said corporation shall have, and be entitled to said road for and during the space of thirty years, from and after the passage of this act, and that John Alred, of White county, and Jesse Eldridge, of Overton county, are hereby appointed commissioners on said road, and it shall be the duty of said commissioners to examine said road, at least twice a year, and see that the same is kept in the repair required by the old charter.

JORDAN STOKES,

*Speaker of the House of Representatives.*

M. R. HILL,

*Speaker of the Senate.*

Passed, January 30, 1852.

## CHAPTER CX.

**AN ACT to incorporate the Dyersburg and Mississippi River Turnpike and Plank Road Company.**

**SECTION 1.** *Be it enacted by the General Assembly of the State of Tennessee,* That Thomas J. Connell, James Fields, William. P. Foulks and Thomas Finley, of the county of Dyer, are hereby authorized, as commissioners, to open books at such time and places as they may think proper, for the purpose of receiving subscriptions to the amount of sixty thousand dollars, or less if sufficient, to be applied to the making of a plank or turnpike road from Dyersburg to the Mississippi river, which sum shall be divided into shares of fifty dollars each. Said commissioners shall meet at Dyersburg on the first Monday in May, for the purpose of opening books for the subscription of stock, and so soon as five thousand dollars of said amount of stock shall be subscribed, they may call a meeting of the stockholders, for the purpose of organizing said company, and the stockholders shall proceed to elect from their body five directors, and in voting for said directors, each share holder shall be entitled to one vote for each share. And the directors when elected, shall elect from their own body a president, and such other officers as may be necessary, for the term of two years, and until their successors are elected and qualified, which said directors and stockholders are hereby created a body politic and corporate, by the name and style of the Dyersburg and Mississippi River Turnpike and Plank Road Company, and by that name may sue and be sued, plead and be impleaded, and shall have and enjoy all the rights and privileges appertaining to bodies corporate and politic, and shall have succession ninety-nine years, the style of said road, and number of gates, shall be the same as that described in the 24th section of the charter of the Lexington and Clifton turnpike company, except the width, which shall be made wider or narrower at the discretion of the directors of said road; the route to be laid off by said directors, and all damages, if any, to be paid by said company. The tolls to be under the directions of said president and board of directors of said company.

**SEC. 2.** *Be it further enacted,* That this company shall be governed, and have the same privileges as are conferred by the 4th, 8th, 9th, 10th, 12th and 14th sections of an act, entitled "an act to incorporate the Western Central Turnpike Company," passed, December 21st. 1849.

Bridge.

SEC. 3. *Be it further enacted*, That this company shall have the right to bridge or ferry the Obion river where said road crosses the same.

State Bonds to  
be issued.

SEC. 4. *Be it further enacted*, That when said company shall be fully organized, they may call upon the Governor of this State, and it shall be his duty to issue the bonds of the State of Tennessee to the president and directors of said company, to the amount of twenty-five thousand dollars, payable in thirty years or less, as the president and directors may determine, bearing interest at six per cent. per annum, upon the following conditions: That said company shall notify the Governor, sixty days before making such application, and he shall authorize the circuit court judge of that district to appoint a commissioner on the part of the State, and he shall proceed to value and assess the value of such real estate as may be pointed out to him by the company, to the amount of forty thousand dollars, and he shall investigate the titles to said real estate, and then make his report to said judge, and said circuit judge shall proceed to take a lien or mortgage upon such real estate, and the amount of stock subscribed, together with the road, gates, tolls and fixtures of said corporation, in behalf of the State of Tennessee, as security for the payment of the above named bonds of the State.

May increase  
Capital.

SEC. 5. *Be it further enacted*, That said company may increase said capital stock to one hundred thousand dollars, and continue said road to the town of Trenton, in the county of Gibson, and that they may have three years to construct said road after the passage of this act.

Shall pay in-  
terest.

SEC. 6. *Be it further enacted*, That said company shall pay the interest on said bonds semi-annually, on the first day of January and July, in each and every year into the Treasury of the State of Tennessee, and upon failure to do so by said company, the district attorney, for said district, shall appoint a receiver, and take said road, gates and fixtures into possession, together with the books, mortgages, &c., and proceed to dispose of the same, or enough thereof to pay said interest and cost, &c.

JORDAN STOKES,

*Speaker of the House of Representatives.*

M. R. HILL,

*Speaker of the Senate.*

Passed, February 5, 1852.

## CHAPTER CXI.

AN ACT to amend the Militia Law of this State.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That so much of the 4th section of an act, passed on the 28th day of January, 1840, entitled "an act to condense and bring into one view the militia laws of the State of Tennessee, as requires officers below the grade of captain to be commissioned by the governor," be repealed; and that, hereafter, it shall be the duty of the returning officers in said elections, to make return thereof to the commandants of the regiments in which said elections may be held, who shall commission them accordingly, and that this act take effect from and after the passage thereof.

SEC. 2. *Be it further enacted*, That the 36th section of an act, passed 28th day of January, 1840, entitled, "an act to condense and bring into one view the militia law of the State of Tennessee," be, and the same is hereby revived and re-enacted, and that the law repealing the above section, and all laws conflicting therewith, be and the same are hereby repealed.

JORDAN STOKES,

*Speaker of the House of Representatives.*

M. R. HILL,

*Speaker of the Senate.*

Passed, February 15, 1852.

## CHAPTER CXII.

AN ACT to authorize certain changes in the Academies in White county, Tennessee.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Warren Leftwich, L. Carrick, Montgomery C. Dibrell, Milton Y. Brocket, and John F. Vass, Trustees of Priestley Academy, in the county of White, are hereby authorized, empowered and required to pay over to the Trustees of Nourse Female Academy, any funds in their hands belonging to Priestly Academy. And they are hereby further authorized to sell the building, heretofore known and used as their academy, upon such terms as they, in their discretion, may think best, appropriating the proceeds of said sale,

Priestley Acad.  
emy.

in like manner as the above named fund, to the use and for the purposes hereinafter mentioned.

**Nourse Seminary.**  
**SEC. 2.** *Be it enacted,* That John Warren, Jabez G. Mitchell, W. W. Moore, Simeon Bramlet, Joseph Snodgrass, Trustees of Nourse Female Academy, and the above named Trustees of Priestley Academy, are hereby appointed Trustees of an institution which is by this act established in the town of Sparta, in said county, to be known as "Nourse Seminary," and said trustees are constituted a body corporate and politic, may sue and be sued, plead and be impleaded in any court of law or equity in this State or elsewhere; and said trustees, by the name aforesaid, shall receive and hold, to themselves and their successors, the lands and buildings at present held by the trustees of Nourse Academy, and shall receive and hold in like manner, any other lands or tenements, goods, chattles or moneys which may be given or bequeathed to or purchased by them, or may be due or coming to either of the above named institutions, to be appropriated, used and disposed of for the benefit of said Nourse Seminary as to the said trustees may seem proper.

**SEC. 3.** *Be it enacted,* That said trustees shall hold their office for the term of and under the regulations prescribed in the act incorporating Nourse Female Academy, and until their successors are appointed.

**Strawberry Plains Female Academy.**  
**SEC. 4.** *Be it enacted,* That Thomas Stringfield, Wm. Moulden, Martin B. Carter, James A. Thornton, Madison Carter, F. A. Butler, and James A. Housley, and their successors, be, and are hereby incorporated a body politic, under the name and style of the Trustees of the Strawberry Plains Female Academy, in the county of Jefferson, and that they be invested with the same powers and privileges granted in the act incorporating the New-Market Female Academy in said county.

JORDAN STOKES,

*Speaker of the House of Representatives.*

M. R. HILL,

*Speaker of the Senate.*

Passed, January 28, 1852.

## CHAPTER CXIII.

AN ACT to authorize and regulate the business of Banking.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That any person, or association of persons, having at least fifty thousand dollars of capital, is hereby authorized to carry on the business of banking, by discounting bills, notes and other evidences of debt, by receiving deposits, by buying and selling gold and silver bullion, foreign coin, bills of exchange, and various stocks of the State of Tennessee, by lending money, on real or personal security, by exercising such incidental powers as are necessary to carry on such business, and by issuing circulating notes on the following conditions: That whenever any association of persons, formed for the purpose of banking under the provisions of this act, shall legally transfer to the Comptroller, any portion of the public stocks now created, or hereafter to be created by this State, or bonds of incorporated companies, endorsed by the State, or bonds of the United States, such association shall be entitled to receive from the comptroller an equal amount of such notes for circulation of different denominations, registered and countersigned as hereinafter provided for, provided such public stocks shall in all cases be, or be made to be, equal to a stock producing six per cent. interest per annum, and it shall not be lawful for the comptroller to take any such stock at a rate above its par value, or which shall not be worth upon a sale, made for gold or silver, one hundred cents on the dollar; and no association of persons shall commence the business of banking under the provisions of this act, until such association shall have deposited with the comptroller the required securities, and the comptroller, before he shall enter upon the discharge of any of the trusts or duties imposed upon him by this act, shall enter into bond to this State, and annually thereafter, with sufficient sureties, to be approved of by the Governor of this State, in such sum as he shall direct, with condition for the faithful performance of the trusts and duties imposed upon him by this act, which bond, being first endorsed with the approval of the Governor, shall be filed in the office of the Secretary of State. At least three-fourths of the securities, so deposited, shall be bonds of the State of Tennessee.

Bonds to be deposited with the Comptroller.

Comptroller to give bond.

2. That such person or association shall not at any time, for the space of twenty days together, have on

10 per cent. in specie. hand, at their place of business, in specie less than ten per cent. of their circulation.

Tax for common schools. 3. That they annually allow, out of the accruing interest on such deposits, twenty-five cents out of each hundred dollars of their capital, to be retained by the Comptroller for the use of common schools, which sum shall be in lieu of all other taxation.

Memorandum of provisions to be registered. 4. That before commencing said business, such person or association make, and after the manner of a deed of conveyance, acknowledge and cause to be registered in the office of the register of the county where said business is to be carried on, a written memorandum, specifying:

1. The name by which the bank is to be distinguished, and to be used in all dealings, transactions and suits, by, with and against such person or association.

2. The place and county where the operations of discount and deposit of said bank are to be carried on.

3. The amount of capital stock and the number of shares into which it is divided.

4. The names and places of residence of the share holders, and the number of shares held by each; and,

5. The period at which such bank shall commence and terminate, not to exceed twenty years, a copy of which memorandum, from the register's office duly certified by him, shall be filed by such person or association in the office of the Secretary of State, and said memorandum, or a copy thereof duly certified, either by the register or secretary of state, may be used as evidence in all courts and places for and against such person or association.

incorporation. SEC. 2. *Be it enacted*, That on complying with the conditions aforesaid, such person or association, by the name stated in the memorandum aforesaid, shall be a body politic and corporate and have succession, be capable of suing and being sued, shall have power to make by-laws for the government of said company and its officers and agents for the management and disposition of the stock, and affairs and business of such corporation, not inconsistent with the laws of this State, may choose one of their number as president, may appoint a cashier, and such other officers and agents as their business may require, and may remove such president, cashier, officers and agents at pleasure, and appoint others in their places.

Notes for circulation. SEC. 3. *Be it enacted*, That the Comptroller is hereby authorized and required to cause to be engraved and printed in the best manner to guard against counterfeiting, such quantity of circulating notes in the simi-

tude of bank notes in blank, of the different denominations authorized to be issued by the incorporated banks of this State, not below the denomination of one dollar, as he may from time to time deem necessary to carry into effect the provisions of this act, and of such form as he may prescribe: such blank circulating notes shall be countersigned, numbered and registered by the comptroller, in proper books to be provided and kept for that purpose in the office of said comptroller.

SEC. 4. *Be it enacted*, That said person or association may, after having caused said circulating notes to be executed and signed by their president, in such manner as to make them obligatory promissory notes of said bank, payable on demand at their place of business in this State, lend and circulate the same as money, according to the ordinary course of banking business, as regulated by the laws and usages of this State. President to sign notes.

SEC. 5. *Be it enacted*, That the comptroller shall not countersign and deliver to any such bank, an amount of circulating notes exceeding in the aggregate the amount in value of the said securities so delivered to him by said bank, as provided in the first section of this act, on pain of removal from his office, and of being personally liable to any note holder for the full amount, with interest, of any note or notes that may be lost on account of his failure to comply with the provisions of this act. Liability of Comptroller.

SEC. 6. *Be it enacted*, That in case the makers of any such circulating note or notes countersigned and registered as aforesaid, shall at any time, on lawful demand, between the hours of ten and three o'clock, at the place where such note or notes is or are made payable, fail or refuse to redeem such note or notes in the lawful money of the United States, the holder of such note or notes, making such demand, may cause the same to be protested for non-payment by a notary public under his seal of office in the usual manner, and the Comptroller on receiving and filing in his office such protest, shall forthwith give notice in writing to the makers of such note or notes, to pay the same, together with all costs of protests and other damages and charges arising out of said default, and if they shall omit so to do for ten days after such notice, the Comptroller shall thereupon, unless he shall be satisfied that there is good and legal defence against the payment of such note or notes, give notice in three or more newspapers, published in this State, that all the circulating notes, issued by such association, will be redeemed out of the trust funds in his hands for that purpose, and the Comptroller shall Notes Protested.

apply the trust funds belonging to the makers of such protested notes to the payment pro-rata of all such circulating notes, whether protested or not, put in circulation by the makers of such protested notes, pursuant to the provisions of this act, and the Comptroller, after the expiration of ten days, may, by and with the advice of the Governor and Attorney General, proceed to sell at public auction the stocks or bonds, or any of them, pledged by the makers of such protested notes, and out of the proceeds of such sale pay off as aforesaid, all the notes issued to the makers of such protested notes, or with the advice aforesaid, may postpone such sale for a period not exceeding six months, after which he shall sell and proceed as aforesaid. All costs for protesting the circulating notes, issued by any banking association under the provisions of this act, shall be paid by the person or persons procuring the services to be performed, for which such association shall be liable to him or them, but no part of the securities deposited by such association, unless an overplus shall remain in the hands of the Comptroller, shall be applied to the payment of such costs, nor shall any thing in this act contained, be considered as implying any pledge on the part of the State for any payment beyond the proper application of the securities pledged to the Comptroller. And if any bank shall be wound up under the provisions of this section, the protest of said note first protested, shall constitute a lien for the benefit of the creditors of said bank upon all the assets of the bank, not in the hands of the Comptroller, said lien to be enforced as other liens in this State, and any conveyance of such assets after such protest, shall be avoid.

**Damage on non-payment.** SEC. 7. *Be it enacted*, That every such bank shall be liable to pay the holder of every bill or note put in circulation as money, the payment of which shall be demanded and refused, damages for non-payment thereof in lieu of interest at and after the rate of twelve per cent. per annum, from the time of such refusal until the payment of such evidence of debt and the damages thereon.

**Stock personal property.** SEC. 8. *Be it enacted*, That shares of the capital stock of said banks shall be deemed personal property, and shall be transferable on their books, in such manner as may be determined by their rules and by-laws, and every transferee of shares shall, in proportion to his shares, succeed to all the rights and liabilities of the original share holders.

SEC. 9. *Be it enacted*, That all the property of every such bank shall be liable to execution and sale, in satis-

faction of any judgment or decree that may be rendered against it, and said judgment and decree shall be enforced alone against the property of the same. Property liable.

SEC. 10. *Be it enacted*, That every such bank may purchase, hold and convey real estate for the following and no other purposes: May hold real estate.

1. Such as shall be necessary for immediate accommodation in the convenient transaction of business.

2. Such as shall be mortgaged to it in good faith, by way of security for loans made by or moneys due to it.

3. Such as shall be conveyed to it in satisfaction of debts previously contracted in the course of its dealings.

4. Such as it shall purchase at sale under judgments, decrees or mortgages held by it.

SEC. 11. *Be it enacted*, That every such bank shall on the first Monday of January and July in every year, after having commenced the business of banking, as prescribed by this act, make out and transmit to the Comptroller, in the form to be provided by him, a full statement of the affairs of the bank, verified by the oath of the president or cashier, which statement shall contain: Bank required to report.

1. The amount of the capital stock paid in, according to the provisions of this act.

2. The value of the real estate of the bank, specifying what portion is occupied by the bank as necessary to the transaction of its business.

3. The shares of stock held by said bank, whether absolutely or as collateral security, specifying each kind and description of stock, and the number and value of shares of each.

4. The amount of debts due to the bank, specifying such as are due from monied or other corporations; and also specifying the amount secured by bond and mortgage or judgment, and the amount which ought to be included in the computation of losses.

5. The amount of debts due by said bank, specifying such as are payable on demand, and such as are due to monied or other corporations.

6. The amount of claims against the bank not acknowledged by it as debts.

7. The amount of notes, bills or evidences of debt issued by said bank.

8. The amount of the losses of the bank, specifying whether charged on its capital or profits since its last preceding statement, and of its dividends declared and made during the same period.

9. The average amount in each month during the

preceding six months of the debts due to and from the bank; the average amount of specie possessed by the same during each month, and the amount of bills and notes issued by said bank and put in circulation as money and outstanding against the bank on the first day of the preceding six months.

10. The average amount in each month during the preceding six months due to the bank from all the share holders in the bank; also the greatest amount due to the bank in each of the said preceding six months from all the share holders in said bank.

**Statement to be published.** SEC. 12. *Be it enacted*, That it shall be the duty of the Comptroller to cause the statement required to be made by this section for January, of each year, to be published in a newspaper printed in the county or nearest the county where the place of business of said bank is situated, and in a paper published at the seat of government, the expense of which shall be paid by said bank, and the Comptroller shall lay said reports before the Legislature at its next session.

**Interest on bonds.** SEC. 13. *Be it enacted*, That every such person or association may receive the annual interest accruing on the bonds or other securities deposited and transferred in trust for the redemption of their circulation, except the bonus herein before reserved. The business of every bank organized under this law, and all legal proceedings, by and against the same, shall be conducted in the name assumed to distinguish it, and service of process upon the president thereof, or upon any officer conducting said banking business, shall be sufficient. Any association organized under this act, may increase **May increase Capital.** their capital to any sum not exceeding five hundred thousand dollars, and the number of their associates at their pleasure, in which case a memorandum thereof shall be executed, registered and deposited in the same manner as is herein before provided for the original memorandum of the association.

**Interest on bonds—where payable.** SEC. 14. *Be it enacted*, That the bonds of the State of Tennessee when deposited, as herein before provided, by the holders thereof, to avail themselves of the privileges herein granted, shall thereafter become payable at Nashville, and likewise the annual interest accruing thereon. *Provided*; That should any such bank be hereafter wound up under the provisions of this act, and the securities deposited with the Comptroller should be sold, as herein provided, then the interest on the bonds of Tennessee, so sold, shall thereafter be payable where the said bonds are made payable.

SEC. 15. *Be it enacted*, That the legislature reserves

the right to amend, alter or repeal this act in such manner, however, as shall do no injury to the corporations, nor destroy any vested right acquired by them; nor shall such repeal take away or impair any remedy which has been given against such company, its stockholders or officers, for any liability which shall have been incurred. Right to repeal.

SEC. 16. *Be it enacted*, That the corporators pay the Comptroller a reasonable compensation for his services, and in the event of a disagreement between the Comptroller and the corporators, as to the said compensation, the Presidents of the Union and Planters' Bank, and of the Bank of Tennessee shall fix the amount to be paid.

JORDAN STOKES,  
*Speaker of the House of Representatives.*  
M. R. HILL,  
*Speaker of the Senate.*

Passed, February 12, 1852.

## CHAPTER CXIV.

AN ACT to quiet certain land titles, and to secure *bona fide* purchasers against litigation.

*Be it enacted by the General Assembly of the State of Tennessee*, That a continuous adverse possession of twenty years or more of land, held under a conveyance from husband and wife, shall be an absolute bar to any suit which may hereafter be commenced by such husband and wife, or either of them, or any other person claiming title by or through either of them, whether the said wife was privately examined or not. *Provided*, The deed executed by husband and wife was so executed upon valuable consideration without fraud upon the wife, and had been registered for more than twenty years before suit commenced.

JORDAN STOKES,  
*Speaker of the House of Representatives.*  
M. R. HILL,  
*Speaker of the Senate.*

Passed, January 27, 1852.

## CHAPTER CXV.

AN ACT to insure the faithful application of the Academy money in the different counties in this State.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That it shall be the duty of the treasurer of the board of trustees of each county academy to make an annual settlement with the clerk of the county courts, showing the disbursements of the preceding year, the amount received from the State, and the balance on hand.

SEC. 2. *Be it enacted*, That before the comptroller issues his warrant for the sum due any academy, the treasurer of the board of trustees shall present the certificate of the clerk of the county court, showing that he has made settlement for the preceding year, and given bond and security for the faithful disbursement of any money that may come into his hands for the benefit of the academy. *Provided*, That when a new treasurer has been elected, it shall only be necessary for the clerk of the county court to certify that said treasurer has entered into bond with security to render an account of the funds which he may receive.

SEC. 3. *Be it enacted*, That the warrant of the comptroller shall issue to the treasurer, and all laws coming in conflict with this act, are hereby repealed.

JORDAN STOKES.

*Speaker of the House of Representatives.*

M. R. HILL,

*Speaker of the Senate.*

Passed, February 21, 1852.

## CHAPTER CXVI.

AN ACT to protect the Homestead.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Homestead of every housekeeper or head of a family, residing in this State, to the value of five hundred dollars, consisting of a dwelling-house and out buildings, and land appurtenant, occupied by such person as a homestead, shall be exempt from the debts of every such housekeeper or head of a family, and from attachment and execu-

tion, in all cases where the contract shall be made or cause of action shall accrue after the first day of January, 1853, except as hereinafter provided.

SEC. 2. *Be it enacted*, That whenever the real estate of such housekeeper or head of a family, shall be levied upon by virtue of an execution, such portion thereof as may be occupied by him or her as a homestead, and as he or she, may then elect to regard as such, to the value of five hundred dollars, (in case such person is entitled under this act to hold the same exempt from said execution,) shall be set apart to him or her as a homestead, and the officer levying such execution, shall for that purpose summons three disinterested freeholders, not connected with the parties, who shall, on oath, set apart to such debtor, out of the real estate so levied on, his or her homestead, including the mansion and out houses, and set out in writing the butts and bounds thereof, and certify that such is the homestead as set apart by them, and deliver the same to the person or persons for whose benefit the same may be set apart, and the remainder only of such lands shall be subject to sale, which facts shall be returned on the execution.

Homestead set apart.

SEC. 3. *Be it enacted*, That where the real estate levied on by virtue of any execution, is of greater value than five hundred dollars, and is so situated that it cannot be divided so as to set apart to the debtor his or her homestead, then and in that case, the officer may proceed to sell the same by virtue of his execution, and upon such sale he shall, out of the proceeds thereof, first pay over to the clerk of the court rendering the judgment or condemning the land for sale, \$500 to be by him laid out under the order of said court in the purchase of a homestead for the family of said debtor, and only the surplus over and above the sum of five hundred dollars, shall be applied to the payment of said execution.

In case of sale, \$500 to be reserved.

SEC. 4. *Be it enacted*, That if such housekeeper or head of a family shall die, leaving a widow, the homestead exempt in the hands of the husband, shall go to his widow during her natural life or widow-hood with the products thereof, and shall not be subject to any charges except taxes, and upon the death or marriage of said widow, said homestead shall descend to the minor child or children of the deceased husband, if any, without being subject to execution for the debts of the father, mother, or said children, except for taxes, and should the wife, whose husband has a homestead exempt from execution by the provisions of this act, ob-

How to descend.

tain a divorce from her said husband, on account of any fault or misconduct in him, the title to said homestead shall be vested by the decree of the court granting the divorce, in the wife, and after her death, to her children, subject to the same rights and restrictions as appertains to widows. That upon the death of the mother, should there be no minor child or children surviving, said property shall first go to the payment of the debts of the husband, and should there be no debts to be liquidated on the part of said husband, said fund shall be subject to the debts of the wife, and should there be a remainder, it shall descend to their heirs under the existing laws of descent.

How aliened.

SEC. 5. *Be it enacted*, That such homestead so set apart, shall not be aliened or mortgaged by the owner thereof, if a married man, except by the joint deed of husband and wife, executed and acknowledged after the manner of conveyances of lands of married women in this State. *Provided*, That such husband may, without the consent of his wife, mortgage such homestead for the payment of the purchase money agreed to be given therefor.

SEC. 6. *Be it enacted*, That such homestead shall be subject to sale for all State, county and corporation taxes, legally assessed thereon.

Must be permanent residents.

SEC. 7. *Be it enacted*, That to entitle persons to the provisions and benefits of this act, they shall be permanent residents on the land or premises by them claimed as exempt from execution sale, and whenever any person or persons shall cease to reside on the land or premises so claimed, then the said land or premises, shall be subject to execution sales at law.\*

To be registered.

SEC. 8. *Be it enacted*, That such person or persons, to whom the homestead is set apart, as provided in this act, shall within twelve months after the delivery of the certified description of the real estate set apart, as provided in the second section of this act, have the same registered in the register's office of the county wherein such lands may be, and the register of the county is hereby authorized to register the same. *Provided*, The officer levying upon such land shall certify that the same is the act and deed of the freeholders summoned by him to set apart such homestead therein described, and when so registered as aforesaid, it shall for all purposes be deemed to vest a good and valid title to the extent as provided in this act.

Declaration of intention to be registered.

SEC. 9. *Be it further enacted*, That before any person shall be entitled to the benefits of this act, he or she, shall first declare his or her intention of claiming the

homestead, contemplated under the provisions of this act, by having a declaration or notice of such intention signed, sealed and witnessed, and duly registered in the register's office of the county in which such homestead may be situated, and the right to the protection against execution being levied on such homestead, shall be only from and after the date of such registration, anything in the provisions of this act to the contrary notwithstanding.

JORDAN STOKES,  
*Speaker of the House of Representatives.*  
 M. R. HILL,  
*Speaker of the Senate.*

Passed, February 21, 1852.

## CHAPTER CXVII.

AN ACT to authorize and regulate county subscriptions for rail road stock.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That it shall be lawful for the county courts of the respective counties in this State, through which a railway or railways have been or shall be located, or which may be contiguous thereto, to subscribe stock in such rail road or any of such rail road companies, through their chairman, as is hereinafter provided for.

SEC. 2. *Be it enacted,* That before any county court shall be permitted to subscribe stock in the name of the county, it is hereby made the duty of said county court to call for the approbation of the legal voters of the county, by advertising an election to be held by the sheriff of the county, giving at least thirty days notice of the same, such notice to be posted up at the election precincts in the county, which notice shall specify the amount of stock proposed to be taken by the county and when payable. And if a majority of the votes polled be "For Subscription," then and in that case, the chairman of the county court, shall carry into effect the will of the majority, and shall subscribe the amount of said stock in such rail road company or companies, so voted for. But if a majority of the votes polled be "No Subscription," then the question as to the propriety of subscribing stock as before provided for, shall not again be pro-

Subscriptions—  
 how voted for.

pounded until after the expiration of six months, and not then without a concurrence of a majority of the justices of the peace of said county.

County courts  
to order elec-  
tion.

SEC. 3. *Be it enacted*, That it shall be the duty of the county courts aforesaid, to order said elections for stock as aforesaid, upon application in writing of a majority of the commissioners appointed for such county, to obtain subscriptions of stock. *Provided however*, If said rail road company shall be formed and organized by the election of a president and directors, then the application shall be made in writing by the board, and said elections shall be held and conducted as the county courts shall direct.

Monies expend-  
ed within coun-  
ty.

SEC. 4. *Be it enacted*, That the monies raised under the provisions of this act, shall be expended within the county by which such stock is taken, or as near thereto as is practicable. *Provided*, That no company shall be required, under the provisions of this act, to do any act inconsistent with the provisions of its charter, or in violation of existing obligations.

Railroad tax.

SEC. 5. *Be it enacted*, That in all cases, where the stock contemplated in the provisions of this act is taken as provided for, it shall be the duty of the county courts respectively, to levy a tax upon the taxable property, privileges and persons, by law liable to taxation within the county, which tax shall be levied and paid upon the principle of levying the State and county tax. And said tax shall be called the "Rail Road tax," to be kept distinct from the other taxes of the county.

Collector.

SEC. 6. *Be it enacted*, That the county courts may appoint the revenue collector of the county taxes, or such other person as they may elect, the collector of the rail road tax, who shall give bond and security in such an amount as they may require, payable to the State of Tennessee, conditioned that he will discharge his duty, and faithfully account for and pay over said taxes, as they may be collected, to the president and directors of said rail road company, and he and his securities shall be liable and proceeded against in like manner, as by law revenue collectors are made liable. *Provided*, That the property now exempt by law from execution, shall in no case be levied upon and sold to satisfy said rail road tax.

Clerk to make  
out list.

SEC. 7. *Be it enacted*, That the clerks of the courts of the counties so voting the subscription of stock to be taken in said rail road company, shall under the direction of the county court, make out and furnish to the collector of the rail road tax, a list showing the

amount of tax that each individual shall pay, which shall be made out in conformity to the last valuation of taxable property and privileges paying taxes, and in the like proportions.

SEC. 8. *Be it enacted*, That it shall not be lawful to collect in any one year, more than 33 $\frac{1}{3}$  per cent. of the stock subscribed as aforesaid by any county, and the rail road collector shall forthwith proceed and collect said rail road tax, and as he shall make collections, he shall pay the same over to the treasurer of said rail road company. As the said rail road collector shall receive the tax, he shall give the person paying, a certificate, showing the amount, which certificate may be traded, assigned or transferred, and shall be receivable in payment of either freight or passage on any road upon which such subscription shall have been expended. *Provided*, Said certificate shall be first countersigned by the clerk of the county court of the county subscribing such stock, whose duty it shall be to countersign such certificates, upon their presentation to him for that purpose, and so soon as any person or corporation shall hold and present such certificates amounting to one share or more, in said rail road company, then the president and directors of said rail road, shall issue to such person or corporation, a certificate of stock; and such certificate of stock shall entitle the holder thereof, to the like rights and privileges as other stockholders in said company.

33 $\frac{1}{3}$  per cent.  
per annum col-  
lectable.

Certificate of  
stock.

SEC. 9. *Be it enacted*, That whenever the chairman of any county court of this State, shall upon the popular vote, subscribe stock in any rail road company, the county courts of said county may appoint a proxy from time to time, who shall represent the county and stock so subscribed, in all elections, and general or called meetings of the stockholders to the extent of the unpaid stock so subscribed.

County proxy.

SEC. 10. *Be it enacted*, That it shall be the duty of the clerk to make out triplicate lists of the said rail road tax, showing the amount that each person has annually to pay, one of which shall be delivered to the president and directors of said company, one recorded in his office, the other delivered to said rail road collector.

Triplicate tax  
lists.

SEC. 11. *Be it enacted*, That the trustee of the county subscribing stock as aforesaid, shall annually settle with the rail road tax collector, and it shall be his duty to proceed against a defaulting collector as is prescribed by law against revenue collectors, and cause said tax to be paid over to said company. Defaulting tax

Trustee to set-  
tle with collec-  
tor.

payers shall be proceeded against in the same manner as is prescribed for the collection of other taxes. Said settlements, from time to time, shall be filed with the clerk of the county court and recorded.

**County may issue warrants.** SEC. 12. *Be it enacted*, That for the purpose of meeting any unexpected demand on the part of the board of directors of the company, in the construction of said rail road, to be expended as aforesaid, at a time when the county may have no rail road tax on hand, the county court may anticipate the collection of the said taxes voted as aforesaid, by the issuance of the county warrants, payable as desired by said board of directors, bearing an interest of six per cent. per annum, which warrants may be received by the board of directors in payment of so much of the stock subscribed; in such cases the sufficiency of tax voted and levied as aforesaid, shall be paid into the county treasury, and shall be applied to the redemption of said warrants, and certificates of stock shall issue to the tax payers, as is prescribed in this act.

**Cities and towns may levy tax.** SEC. 13. *Be it enacted*, That incorporated cities and towns within this State, may avail themselves of the foregoing provisions of this act, for the purpose of aiding in the construction of any of said railways.

**Writ on mandamus.** SEC. 14. *Be it enacted*, That the circuit courts of the State, shall have power to issue a writ of mandamus, to compel said county courts to carry into effect the provisions of this act, so far as is incumbent on said county courts so to do.

**County courts shall fix fees.** SEC. 15. *Be it enacted*, That the county courts shall fix the fees of the collector of the rail road tax, and shall allow the clerks such fees as are allowed them for making out lists of the State and county taxes, and shall add a sufficient sum to the stock proposed and voted for, to cover the expenses of collecting said taxes so proposed and voted for.

JORDAN STOKES,

*Speaker of the House of Representatives.*

M. R. HILL,

*Speaker of the Senate.*

Passed, January 22, 1852.

## CHAPTER CXVIII.

AN ACT to amend the law with regard to taking of depositions.

*Be it enacted by the General Assembly of the State of Tennessee,* That hereafter it shall and may be lawful for the different clerks of the several circuit, county and chancery courts in this State, to take depositions in all cases pending in and out of the circuit courts of the States, in the same manner that justices of the peace now have under the now existing laws, and that they, for such services, shall be entitled to the fees and compensation that justices of the peace are entitled to for like services.

JORDAN STOKES,

*Speaker of the House of Representatives.*

M. R. HILL,

*Speaker of the Senate.*

Passed, January 16, 1852.

## CHAPTER CXIX.

AN ACT to consolidate the offices of Entry-Taker and Register, south and west of the Congressional Reservation line.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That hereafter the several duties of entry-taker, south and west of the congressional reservation line, shall be performed by the county register in the counties south and west of the congressional reservation line.

SEC. 2. *Be it enacted,* That the several county registers shall be required to keep the books and papers in the several offices of the entry-takers, at the different county seats, and he shall be entitled to all the fees for performing the duties of the entry-takers, that the several entry-takers now receive as allowed by law. Registers.

SEC. 3. *Be it enacted,* That it shall be the duty of the several entry-takers, south and west of the congressional reservation line, to hand over all the books and papers in their offices to the county registers in their respective counties, and take their receipt for the same. Entry-takers.

SEC. 4. *Be it enacted,* That the several county registers, south and west of the congressional reservation line, shall have the power to appoint a deputy when- Deputy registers.

ever they may deem it necessary for the public interest or convenience.

SEC. 5. *Be it enacted*, That the several county registers south and west of the congressional reservation line, shall hereafter sign their name officially as register and entry-taker, to all papers and instruments of writing pertaining to their respective offices.

SEC. 6. *Be it enacted*, That all laws contrary to the provisions of this act, be, and the same are hereby repealed. *Provided*, that the counties of Humphreys, Benton, Henry, Weakley, Carroll, Wayne, Perry, Decatur, Robertson, Hardin, Dickson, Gibson, Henderson, Madison, McNairy, Tipton, Lawrence, Hardeman, Hickman, Haywood, Lauderdale and Maury, be, and they are hereby exempt from the provisions of this act.

SEC. 7. *Be it enacted*, That it shall be the duty of the several entry-takers in this State, within six months, to transmit to the registers of the land office for the district in which their counties are situated, all the plats and certificates of survey now in their respective offices, together with the fees of the register and secretary of state collected thereon, and upon failure or refusal of any of said entry-takers to perform the duties hereby required, they shall be guilty of a misdemeanor in office, punishable by fine, and the attorney general of the several counties shall proceed against them, to enforce this law as in other cases of misdemeanors.

SEC. 8. *Be it enacted*, That this act shall take effect from and after its passage. *Provided*, That the county courts in any county south and west of the congressional reservation line, shall have the power to make the register of any of said counties perform the duties of entry-taker, when said office is not filled in the counties excepted in this act.

JORDAN STOKES,

*Speaker of the House of Representatives.*

M. R. HILL,

*Speaker of the Senate.*

Passed, February 16, 1852.

## CHAPTER CXX.

**AN ACT** to authorize the sale of escheated lands and vested in Common Schools in the State of Tennessee, and for other purposes.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Tennessee,* That it shall be lawful for the common school commissioners in any district, where there are escheated lands, or any lands or town lots purchased in by the sheriff of any county for taxes, for the benefit of common schools belonging to the common school fund in this State, to apply by petition to the circuit court of the county in which the land lies, for the sale of said land, and it shall be the duty of the court to hear proof in the cause, and if satisfied that it would be best for said land to be sold, said court shall decree the sale thereof, by the clerk of said court, and it shall be the duty of said clerk, after giving twenty days notice in a newspaper published in the district, and at two or more public places in the neighborhood of said land, of the time of the sale, to sell the same on the premises to the highest bidder, one-fifth part for cash, and the balance on a credit of one, two, three, four and five years, in equal installments with interest from the date of the sale, taking the notes of the purchaser with two good securities, payable to the State of Tennessee, retaining a lien upon the land until the purchase money is paid, and make report to said court at next term. Clerks to sell.

**SEC. 2.** *Be it enacted,* That it shall be the duty of said court to order said notes to be retained in the office of said clerk for collection, and to collect the same by order of the court, as in other cases of sales of real estate by said court, and it shall be the duty of said clerk to pay over said money when collected, after retaining the costs of the proceedings, to the treasurer of the State, to be appropriated to the use of common schools, as other school funds are now appropriated, and should said clerk collect said money, or any part of it, and fail to pay over the same as herein provided, he and his securities in his official bond shall be liable for the same, in the same manner and to the same extent as they may be liable for other monies he may fail to pay over or account for as heretofore provided by law. Clerk to collect and pay over.

**SEC. 3.** *Be it enacted,* That when all of said purchase money is paid, it shall be the duty of said court to vest the title of said land in the purchaser by decree, as in other cases of the sale of real estate by said court. To make title

SEC. 4. *Be it further enacted*, That the seventh section of an act passed January 23d, 1846, herein referred to, be so amended, that when the clerk of the circuit court, upon offering any tract, lot or parcel of school land for sale, as pointed out by the third section of the act passed January 15th, 1844, and shall fail to sell the same for the want of a bid equal to the valuation fixed upon the same, according to the fifth section of the act of 1846, in all such cases, the bid shall remain open for the space of ninety days, as is provided in the section which this is intended to amend, and should the clerk fail to obtain a bid equal to the valuation fixed upon said tract, or lot or parcel of land, the sale being conducted in all other respects as is provided by this act, and the acts of 1844 and 1846, herein referred to, then the county court shall appoint new commissioners to re-value said land, as is provided by this act, and the acts herein referred to, and the clerk shall proceed to sell said land as is herein before directed, and should the clerk fail to obtain a bid equal to the valuation of said commissioners as is herein directed, then the county court shall appoint commissioners from time to time, under the provisions of this act, and the acts which this is intended to amend, to re-value said land or lands until the clerk shall obtain a bid under the provisions of this act, and the acts which this is intended to amend, equal to the valuation made by the commissioners last appointed by said court.

New Commis-  
sioners.

JORDAN STOKES,  
*Speaker of the House of Representatives.*  
M. R. HILL,  
*Speaker of the Senate.*

Passed, January 28, 1852.

## CHAPTER CXXI.

AN ACT to prescribe the mode of submitting the proposed amendments to the Constitution, to the vote of the people.

WHEREAS, The constitution in providing for its own amendment, makes it necessary that the proposed amendments shall pass by a majority of the members of the legislature at one session, and by a majority of two thirds at the succeeding session, and then be submitted to the people to be ratified by a majority of the people voting for Representatives; *And whereas*, two

propositions to amend the constitution have passed through the requisite forms of legislation, the one to provide for the election of all Judges and Attorneys General by the people, and the other to form certain new counties with a less number of square miles than that specified by the constitution, which proposed amendments have now to be submitted to the people for their ratification or rejection. Therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Governor of this State, is hereby directed to issue his proclamation at least Governor to issue proclamation and publish. sixty days before the first Thursday of August, eighteen hundred and fifty-three, the day of the general election, stating therein the amendments proposed by the General Assembly at the last session, and that the same were agreed to by a majority of that General Assembly, and that two thirds of all the members of this present General Assembly elected to each House had agreed to the proposed amendments, in conformity with the requisitions of the constitution. That the said amendments were at the August election in 1853, to be submitted to the people for their approval and ratification; which proclamation shall be published in two newspapers in each grand division of the State, one of each political party.

SEC. 2. *Be it further enacted*, That the sheriffs of each and every county of this State, shall advertise in writing at the court house door, and at each and every precinct or place of election within their respective counties, at least sixty days before the first Thursday in August, eighteen hundred and fifty-three, that the vote of the people will be taken on that day, upon the ratification of the proposed amendments to the constitution. Sheriff to give notice.

SEC. 3. *Be it further enacted*, That it shall be the duty of every officer holding the election on the day aforesaid, to have tickets prepared sufficient in number for each voter in his respective district, which shall be written or printed in the following form, to wit: "For the election of Judges and Attorneys General by the people." "For the New Counties," both of which shall be written or printed on each ticket, and the sheriff of each county shall pay for preparing and printing the tickets, and the comptroller shall issue his warrant on the treasurer for the same. Tickets.

SEC. 4. *Be it enacted*, That if any voter shall desire to vote for one of the amendments and not for the other, it shall be his privilege to separate his ticket.

SEC. 5. *Be it enacted*, That it shall be the duty of the

**Sheriff to make return.** officer holding the election, to make return thereof of the number of votes for the amendment or amendments, to the sheriff of the county, certified as other election returns are now certified, and it shall be the duty of the sheriff to make return thereof, properly certified, as in cases of other elections, to the Secretary of State, who shall report the same to the next General Assembly of the State.

SEC. 6. *Be it enacted*, That any sheriff or constable failing or neglecting to perform his duty, as prescribed in this act, shall be guilty of a misdemeanor, punished as in other cases of misdemeanor, and the judges are hereby directed to give this act in charge at the term of court immediately preceding said election, and the term following said election.

JORDAN STOKES,

*Speaker of the House of Representatives.*

M. R. HILL,

*Speaker of the Senate.*

Passed, February 2, 1852.

## CHAPTER CXXII.

AN ACT to incorporate the Millwood Female Institute, in the county of Robertson

**Stockholders.**

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Alex. Lowe, Samuel Watson, Walter Scott, M. Lowe, B. F. Binkley, A. Rose, Chas. Vedder, Joseph Hudson, B. E. Henderson, W. B. Nichols, Ralph Shivers, D. Nichols, Jno. M. Bass, A. L. Fortune, J. H. Williams, E. L. Stewart, Thos. Walker, Chas. Bidwell, Jno. S. Majors, Jos. H. Majors, C. W. Nance, B. C. Robertson, Thos. S. Collier, B. S. Hampton, Thomas Flintoff, W. W. Pepper, Jo. Green, C. Langford, J. L. Harris, J. R. Simmons, T. R. Shearon, W. P. H. Bryant, H. Dawlin, jr., Peter Woodson, W. E. Felts, W. W. Williams, G. H. Lowe, J. W. Crowdus, Jos. W. Thruston, J. B. Langford, J. Bainbridge, R. Pennington, Wm. Hollum, Jas. Watts, A. B. Sawyers, C. G. Bradley, J. Bartlett, Jos. Mallory, R. J. Mallory, W. Lowe, A. G. Green, and such others as may be at present or may hereafter become stockholders, are hereby constituted a body politic and corporate, under the name and style of the stockholders of Millwood Female Institute, and shall have power to

sue and be sued, plead and be impleaded, in any court of law or equity in this State, have a common seal, and shall be capable in law or otherwise, to purchase or receive by gift, grant, devise or otherwise, any lands, tenements, hereditaments, goods or chattels, for the use and benefit of said institute, and to appropriate, use and dispose of the same in such manner as to them may seem fit and proper, for the benefit of said institute.

SEC. 2. *Be it enacted*, That said corporation shall have power to elect from their body seven directors, one of whom, if they may think best, shall be elected president, and they may, if they think proper, appoint a secretary, or any other officer that in their opinion may be necessary for the transaction of business. That said directors shall hold their office for the term of one year and until their successors are elected. Officers.

SEC. 3. *Be it further enacted*, That the capital stock of said company, shall be divided into shares of twenty-five dollars each, and each share shall be entitled to one vote in all elections by the stockholders, or upon any question where the sense of the stockholders may be taken, which may be given either in person or by proxy. Capital Stock.

SEC. 4. *Be it enacted*, That it shall be the duty of the directors when elected, to superintend the erection of all necessary buildings and improvements, employ teachers, and do every other thing necessary for the successful accomplishment of the objects herein contemplated; that the first directors herein contemplated, shall be elected on the first day of January, 1852, and forever thereafter, on the first Thursday in January, in each and every year, and the elections shall be held at the academy. Duty of Directors.

SEC. 5. *Be it further enacted*, That, a failure to elect directors upon the day designated in this act, shall not work a discontinuance, dissolution or forfeiture of the charter, but the stockholders, a majority either in person or by proxy, at any day thereafter, may elect said directors, who shall continue in office until their successors are duly appointed.

JORDAN STOKES,

*Speaker of the House of Representatives.*

M. R. HILL,

*Speaker of the Senate.*

Passed, January 1, 1852.

## CHAPTER CXXIII.

AN ACT to prevent obstructions upon Railroads.

Felony.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the wilfully and maliciously putting or placing upon the track of any railroad in this State, of any obstruction of such a kind or character as endangers the safe passage of the locomotive and cars, or either, or any of them thereon, shall be a felony.

SEC. 2. *Be it enacted*, That the wilfully and maliciously loosening or removing the rails or timbers, or any of them, of any rail road in this State, so as to endanger the safe passage of the locomotive and cars, or either, or any of them, over such road, shall be a felony.

SEC. 3. *Be it enacted*, That the wilfully and maliciously loosening or otherwise destroying or injuring any of the machinery, gear or apparatus of the locomotive and cars, or either, or any of them, upon any railroad in this State, so as to endanger the safe running of such locomotive and cars, or either, or any of them, shall be a felony.

Penalty.

SEC. 4. *Be it enacted*, That whoever shall be guilty of either of the offences defined in the three first sections of this act, shall, upon conviction thereof, undergo confinement in the jail and penitentiary house of the State for a period of not less than two nor more than fifteen years.

Injury to persons.

SEC. 5. *Be it enacted*, That whenever any person or persons shall be injured upon any railroad in this State, by any accident occasioned by any obstruction, wilfully and maliciously put thereon, by wilfully and maliciously loosening or removing the rails or timbers thereof, or any of them, or by wilfully and maliciously loosening, removing or otherwise destroying or injuring the machinery, gear or apparatus of the locomotive and cars, or either or any of them, or any part of such machinery, apparatus or gear, the person or persons, whose wilful and malicious act is the occasion of the accident, shall be guilty of a felony.

SEC. 6. *Be it enacted*, That whoever shall be guilty of the felony defined in the fifth section of this act, shall, upon conviction thereof, undergo confinement in the jail and penitentiary house of this State, for a period of not less than three nor more than fifteen years.

SEC. 7. *Be it enacted*, That whenever any person or persons shall be killed upon any railroad in this State, by any accident occasioned by any obstruction wilfully and maliciously put or placed upon the road, by wil-

fully and maliciously loosening or removing of the rails or timbers thereof, or any of them, or by wilfully and maliciously loosening, removing or otherwise injuring or destroying of the machinery, gear or apparatus of the locomotive or cars, or either, or any of them, or any part of such machinery, apparatus and gear, the person or persons, whose wilful and malicious act is the cause of the accident, shall be guilty of murder in the second degree. Guilty of murder.

SEC. 8. *Be it enacted*, That whoever shall be guilty of the offence defined in the seventh section of this act, shall, upon conviction thereof, be punished as other persons guilty of murder in the second degree are, under the existing laws of this State.

SEC. 9. *Be it enacted*, That whenever any person or persons shall be wounded or crippled upon any railroad, in this State, by any accident occasioned by the wrongful act or negligence of the engine driver, conductor or other manager of a locomotive or train thereon, the engine driver, conductor or other manager, whose wrongful act, negligence or omission is the cause of the accident, shall be guilty of a misdemeanor. Liability of officers of road.

SEC. 10. *Be it enacted*, That whoever shall be guilty of the offence defined in the ninth section of this act, shall, upon conviction thereof, undergo confinement in the common jail for a period not less than six months nor more than three years.

SEC. 11. *Be it enacted*, That whenever any person or persons shall be killed upon any railroad in this State, by any accident, occasioned by the wrongful act, negligence or omission of the engineer, conductor or other manager, whose wrongful act, negligence or omission is the cause of the accident, shall be guilty of a misdemeanor.

SEC. 12. *Be it enacted*, That whoever shall be guilty of the offence defined in the eleventh section of this act, shall, upon conviction thereof, undergo confinement in the common jail of the county where the offence was committed, for a period not less than one nor more than three years.

SEC. 13. *Be it enacted*, That all other wilful and malicious acts, besides those for which provision herein before is made, whereby the cars or locomotives upon any railroad in this State, or any part of the same, or the apparatus or fixtures upon any such road shall be injured or damaged, shall be a misdemeanor, and all persons guilty of the same, shall be punished as persons guilty of other misdemeanors are.

SEC. 14. *Be it enacted*, That the provisions of this act shall extend to and embrace all railroads which may To embrace rail roads hereafter to be built.

hereafter be built in this State, as well as those now built or in the course of construction.

SEC. 15. *Be it enacted*, That this act shall take effect from and after its passage.

JORDAN STOKES,  
*Speaker of the House of Representatives.*  
M. R. HILL,  
*Speaker of the Senate.*

Passed, February 26, 1852.

## CHAPTER CXXIV.

AN ACT to amend an act, entitled, "an act to incorporate the town of Tazewell," passed, January 2d, 1830.

**Repeal.** SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the third section of an act, entitled "an act to incorporate the town of Tazewell," passed, January 2d, 1830, be, and the same is hereby repealed.

**City of Nashville.** SEC. 2. *Be it enacted*, That all property lying within the bounds described in the section of the act which this is intended to amend, and which was not incorporated into the city of Nashville, by virtue of the third section of said act, be and the same is hereby made a part of said city, together with the inhabitants thereof; and subject to the laws, regulations and provisions in every respect, which apply to other parts of said city.

**New Market.** SEC. 3. *Be it enacted*, That the official acts of the Mayor and Aldermen of the incorporated town of New Market, Jefferson county, are hereby made legal and binding from the organization of said corporation to the present time.

**Springfield.** SEC. 4. *Be it enacted*, That the corporate limits of the town of Springfield, in Robertson county, be so extended, as to include the residence and lot, upon which the same is situated, of E. S. Hockersmith.

SEC. 5. *Be it enacted*, That the corporation of said town of Springfield, shall have power and authority to subscribe stock in any turnpike road passing through or extending to said corporation, provided a majority of the voting inhabitants of said corporation and those owning property therein, subject to taxation, voting upon the question shall vote in favor of taking stock, which election shall be held by direction of the Mayor and Aldermen of said corporation, after giving suitable

notice, and also, the amount proposed to be levied by taxation, the same to be collected as other revenue of said corporation, and should a majority vote against taking stock, no election shall be held for that purpose in less than six months thereafter.

SEC. 6. *Be it enacted*, That the ninth section of an act, passed, on the 3d day of December, 1849, entitled, "an act to incorporate into one act the several acts incorporating the city of Memphis and the town of South Memphis, passed, January 6th, 1846, and January 21st, 1848; and to unite the said towns into one, and extend the boundaries thereof," be so amended, as to authorize the Mayor and Aldermen of said city to impose upon all of the real estate, within its corporate limits, an additional tax, after the rate of fifty cents for every hundred dollars worth of real property, valued at cash prices, over and above the amount or rate of taxation, which the said corporate authorities are now authorized to impose upon real property under the provisions of the act which this is intended to amend; and that any and all portions of said act or other acts as may be contrary to, or conflict with the provisions of this act, be, and the same are hereby repealed.

Memphis.

JORDAN STOKES,

*Speaker of the House of Representatives.*

M. R. HILL,

*Speaker of the Senate.*

Passed, January 28, 1852.

## CHAPTER CXXV.

AN ACT to establish the county of Taylor, in honor of the lamented Zachary Taylor.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That a new county be, and the same is hereby established, to be composed of fractions taken from the south-west portion of Wayne, and the south-east portion of Hardin counties, and to be designated by the name of Taylor, in honor of the lamented Zachary Taylor, and shall be bounded as follows:

SEC. 2. Beginning on a white oak on the State line, the south-east corner of section one, and running with the range dividing eight and nine, ten miles to a white oak and pointers; thence north seventy-two west, nine miles and fifteen hundred and sixty-eight poles to a stake in

Boundaries

the county line dividing Wayne and Hardin counties; thence north six and a half west on said line, five miles to a beech and pointers; thence west three and a half miles to a stake; thence south seven and a half miles to a poplar and pointers; thence south ten west four and a half miles to a black oak and pointers; thence south forty-five west, eleven miles to the Tennessee river; thence up the river to the State line dividing Tennessee and Alabama; thence eastward on said line twenty-seven miles to the beginning.

**Commissioners.** SEC. 3. *Be it enacted*, That Robert Church, Dempsey White, and A. Murphy, on the part of Hardin, and Benjamin Watkins, Brinkly Hobson, Thomas Adams, Esq., on the part of Wayne, shall be, and they are hereby appointed commissioners, whose duty it shall be after giving twenty days notice, in three or more public places, of the time and place in each of the fractions proposed to be stricken off from the counties of Hardin and Wayne, that they will open and hold an election in each of the fractions proposed to be stricken off of the counties aforesaid, for the purpose of ascertaining whether a majority of the voters, residing in said fractions, are in favor or opposed to the establishment of said county of Taylor, and all persons qualified to vote for members of the General Assembly shall be entitled to vote, and each voter who desires to vote for the establishment of the new county shall have on his ticket the words "new county," and those desirous to vote against the new county, shall have on their ticket these words, "old county," and if on counting out the votes, the judges of each fractional election shall return that a majority of the voters in each fraction have voted for the new county, then the county of Taylor shall be, and the same is hereby established, with all the powers, privileges and advantages, and subject to all the liabilities of other counties in this State.

**Officers.** SEC. 4. *Be it enacted*, That all officers, civil and military in said county, shall continue to hold their offices, and exercise all the powers and functions thereof until others are elected according to law, and the said county of Taylor shall elect her officers on the same day, and under the same rules and regulations as provided by law for the election of officers in other counties in this State.

**Elections** SEC. 5. *Be it enacted*, That the commissioners appointed by the second section of this act, shall appoint such persons, as they may deem suitable, to open and hold the elections for county officers, for the county of Taylor, and such persons, so appointed, shall be, and

are hereby invested with full power and authority to appoint deputies, clerks and judges, and by himself and deputies to administer all necessary oaths, and to do and perform all other duties as by law are required of sheriffs or other officers holding similar elections.

SEC. 6. *Be it enacted*, That it shall be the duty of the commissioners aforesaid, as soon after the county of Taylor shall have been established as practicable, to select and procure, by purchase or otherwise, a suitable site for the seat of justice in said county, and the said commissioners having first caused a deed to be made to themselves and their assigns with general warranty, to a sufficient quantity of land including the site so selected; shall cause a town to be laid off thereon, with as many streets and alleys as they may deem sufficient, with a suitable square for the erection of public buildings. Said commissioners may reserve such lots as they may deem advisable for the erection of a jail, and such other purposes as they may think advisable. And said town, so laid off, shall be known by the name of County site. Whitfield, in honor of General John W. Whitfield. Town of Whitfield

SEC. 7. *Be it enacted*, That the commissioners of said county shall sell the lots in said town on a credit of Sale of Town lots. twelve months, first giving twenty days notice thereof, in some newspaper published in this State, and shall take bond with approved security from said purchasers of said lots, payable to themselves and their successors in office, and retain a lien on said lots until said bonds are paid, and shall make title in fee simple, as commissioners, to the respective purchasers of said lots.

SEC. 8. *Be it enacted*, That the proceeds of the sales of the lots aforesaid shall be a fund in the hands of said commissioners, for the purpose of defraying the expenses incurred in the purchase of said tract of land on which the said county seat shall be located, and also for the defraying the expenses of erecting the public buildings for said county. Proceeds.

SEC. 9. *Be it enacted*, That the commissioners shall superintend the building of such public buildings as the county court of said county shall order and direct to be built, and shall let the same out, and take bonds from the undertakers, with ample security and penalties, payable to themselves and their successors in office, conditioned for his or their faithful performance of contract. Public buildings.

SEC. 10. *Be it enacted*, That said commissioners shall also appoint five commissioners, whose duty it shall be to lay off and divide said county of Taylor into civil districts, and designate the places for holding elections Civil Districts.

therein, and do and perform all the duties relative thereto, which, by the laws of this State, such commissioners are authorized and required to do.

**SEC. 11.** *Be it enacted,* That the county of Taylor shall be attached to the 14th judicial circuit, and the circuit courts in said county shall be held on the **Monday** days in **each year.**

**SEC. 12.** *Be it enacted,* That the county court of Taylor county, when organized, shall be authorized to make such appropriations as they may think proper to the commissioners appointed under the provisions of this act, to compensate them for their necessary expenses and trouble.

**SEC. 13.** *Be it enacted,* That for the convenience of the citizens, and for the administration of justice, the county and circuit courts of said county of Taylor, shall be held at Pleasant Valley until the public buildings for said county shall be completed or other arrangements made, due notice of which shall be given to the clerks of the several courts in said county by the commissioners herein appointed, after which time they shall be held at the court house in the county aforesaid.

**SEC. 14.** *Be it enacted,* That the citizens of Taylor county shall be attached to the chancery court district held at Waynesboro', in the county of Wayne. *Provided,* They may have the privilege of filing their bills at Savannah if they prefer so doing.

**SEC. 15.** *Be it enacted,* That this act shall take effect from and after its passage. *Provided,* It does not reduce the counties of Hardin and Wayne below their constitutional limits of square miles.

JORDAN STOKES,

*Speaker of the House of Representatives.*

M. R. HILL,

*Speaker of the Senate.*

Passed, January 14, 1852.

## CHAPTER CXXVI.

AN ACT to dispense with Seals or Scrolls in certain cases.

*Be it enacted by the General Assembly of the State of Tennessee*, That whenever, hereafter, any instrument of writing, purporting to be a deed of conveyance of estate real, personal or mixed, or bonds for the conveyance of the same, to which there is no seal or scroll, shall have been executed and acknowledged or proven and registered as prescribed in the several acts of the General Assembly for the registration of deeds and other instruments, such instruments purporting to be deeds or bonds, shall have the same force and effect as if there were a seal or scroll annexed thereto; and in any action founded upon such instrument of writing, or in which the same may be used as evidence, the same scroll shall be taken and considered as a sealed instrument; and the statute of limitations shall not apply to any action founded upon the contracts or warrantees contained in said instrument of writing, and the same resumptions of law shall apply in actions brought upon such unsealed instruments as if a seal or scroll were affixed thereto.

JORDAN STOKES,

*Speaker of the House of Representatives.*

M. R. HILL,

*Speaker of the Senate.*

Passed, December 5th, 1851.

## CHAPTER CXXVII.

AN ACT to change the time of holding Regimental and Company Musters in Greene county, 2d Brigade, 7th and 8th Regiments Tennessee Militia, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That from and after the passage of this act, the time of holding the Regimental Musters in Greene county, 2d Brigade 7th and 8th Regiments of Tennessee Militia, shall be held in the 7th regiment on Friday, and 8th regiment on Saturday, immediately preceding the 2nd Monday in October, in each and every year.

SEC. 2. *Be it further enacted*, That the company musters in said regiments shall be held on Saturday immediately preceding the day set apart in the first section

Company Mus-  
ters.

of this act for said regimental musters, and that all laws conflicting with the provisions of this act, be, and the same are hereby repealed.

**Battalion Must-  
ters.** SEC. 3. *Be it further enacted,* That the time of holding the battalion musters in the new regiment, formed out of fractions of the 109th and 110th regiments, in Henderson county, be held hereafter, the 1st battalion in said regiment, on Wednesday, and the 2nd battalion on Thursday, immediately after the 1st Friday in April, in each and every year.

**New Regiments.** SEC. 4. *Be it further enacted,* That the company musters, in said new regiment, shall hereafter be held on the Saturday, immediately preceding the days set apart for holding battalion musters in said regiment, provided for in the third section of this act.

SEC. 5. *Be it enacted,* That the regimental musters of the 66th regiment, 12th brigade, Tennessee militia, shall be held on the second Thursday in October in each year.

SEC. 6. *Be it enacted,* That all laws coming in conflict with the fifth section of this act, be, and are repealed.

SEC. 7. *Be it further enacted,* That the following shall be the times of holding regimental musters in the following regiments, to wit: The 55th regiment shall muster on the first Thursday after the second Monday in September, in each and every year; the 56th regiment upon the next ensuing Friday, and the 54th regiment on the next ensuing Saturday, and the 89th regiment on the third Monday in September, and the 90th regiment upon the next ensuing Tuesday, in each and every year.

SEC. 8. *Be it further enacted,* That all volunteer companies which may be organized under the present law of Tennessee, shall be entitled to receive the arms of the State. *Provided,* Such company shall have forty rank and file.

JORDAN STOKES,

*Speaker of the House of Representatives.*

M. R. HILL,

*Speaker of the Senate.*

Passed, January 27, 1852.

## CHAPTER CXXVIII.

AN ACT to amend the act of 1821, chapter 22, and 1848, chapter 165.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That hereafter, when any suit is brought under the provisions of the act of 1821, chap. 22, commonly called the "pauper law," in any of the courts of this State, or shall by appeal or otherwise be taken into any of the courts, the parties shall have the privilege of taking the depositions of all the witnesses, whether the witnesses reside in the county where the suit is brought or pending, or otherwise.

SEC. 2. *Be it enacted*, That where the personal estate of any residents in this State, or any person who has deceased, has escheated to the State according to the law existing previously to the 3d of February, 1848, ch. 165, the next of kin, who are aliens, may file a petition against the administrator of the deceased for the distributive share, in the chancery or circuit court of the district or county where the administrator resides, and upon proof of their being next of kin to the deceased, the court shall decree to them their distributive share, as if they were citizens or residents of the United States. In cases of escheats of real estate, the heirs being aliens may succeed to the same, provided there are no heirs resident in the United States at the time of the death of the intestate, and they or one of them will come over to this State within one year from the passage of this act, and declare his or their intention to become citizens of the United States according to the act of Congress.

JORDAN STOKES,

*Speaker of the House of Representatives.*

M. R. HILL,

*Speaker of the Senate.*

Passed, February 26, 1852.

## CHAPTER CXXIX.

AN ACT to amend the common school laws of this State.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That in cases where any suit may have been heretofore, or may hereafter be brought and prosecuted to judgment in any court in this State, or before any justice of the peace, against any common school commissioner, in any district in this State, and where judgment has been given against the said commissioners for damages and costs, that the same shall be paid out of any money that is due, or may be due to the said school district in which said commissioners acted as such at the time of the commencement of such suit. *Provided*, That the court or justice of the peace shall be of opinion that the suit was defended by the commissioners in good faith, which shall be shown by the certificate of the judge or justice before whom the case was pending.

Costs.

SEC. 2. *Be it further enacted*, That where any commissioner shall commence a suit in behalf of his school district, (by and with the advice of the Attorney General, whose duty it shall be to give advice,) and shall, on the final determination of said suit, be defeated, the costs of the same shall be paid out of any money belonging to said school district.

Iron Works.

SEC. 3. *Be it further enacted*, That in all cases in which lands granted for the use of iron works, under the act of 1824, chapter , and the other acts of the General Assembly for the encouragement of the manufacture of iron, may be held by persons who have become the purchasers of the same for a valuable consideration; the title of such purchasers shall be good and valid against the State, and the grants issued for such lands shall not be rescinded by writ of *scire facias*, or otherwise. *Provided*, That the iron works, for the use of which said lands were granted, were or shall be in successful operation when the writ of *sci. fa.* may have been, or may be issued, or other proceedings to rescind the grants instituted.

JORDAN STOKES,

*Speaker of the House of Representatives.*

M. R. HILL,

*Speaker of the Senate.*

Passed, February 26, 1852.

## CHAPTER CXXX.

AN ACT to incorporate the Smithville Hotel Company

**SECTION 1.** *Be it enacted by the General Assembly of the State of Tennessee,* That Ransom Youngblood, John B. Tubb, Alexander Goodwin, Thomas B. Fite, Richard C. Sanders, Charles Schurer, Samuel Turner, Elect Tubb, James Tubb, John H. Savage, Ammon L. Davis, John L. Drennon, William Floyd, Elias Barbee, William H. Mayness, William B. Lawrence, Willis W. Wade, William A. Dunlap and Manson M. Brien, their associates, successors, assigns, and such other persons, as may hereafter become share holders of the capital stock of the company hereby incorporated by subscription or purchase, be, and they are hereby constituted a body politic and corporate, by the name and style of the Smithville Hotel Company; and the said stockholders shall have succession, and by their corporate name, may sue and be sued, plead and be impleaded, answer and be answered unto in all kinds of suits and actions, and generally to do and perform all other acts and things, which bodies corporate may lawfully do; purchase, own and dispose of real and personal property, for the benefit of said company or corporation, and may have and use a corporate seal. Incorporation.

**Sec. 2.** *Be it enacted,* That the capital stock may be four thousand dollars, and shall be divided into shares of twenty-five dollars each, the books to be opened and stock subscribed for in such manner as said company may direct, and the amount of said capital stock may from time to time, as the directors of said company may think it expedient, be increased to any sum not exceeding twenty-five thousand dollars. Capital Stock.

**Sec. 3.** *Be it enacted,* That the members of said corporation shall have full power to elect a board of directors, which board shall consist of five persons, who shall be stockholders, and said directors shall elect from out of their own body, a president; said president and directors shall hold their offices for one year, and until their successors shall be elected; that in the election of directors, or in any matter which may be left to a vote of said stockholders, each share of stock shall entitle the holder to one vote, entitling each stockholder to give as many votes as he bona fide holds shares of stock. Said president and directors shall have power, and are hereby authorized to pass any and all by-laws necessary for the government and management of said Elections.

corporation, shall appoint a secretary and treasurer, and may require bond and security of each, and should vacancies occur, the said president and directors shall have power to appoint some one or more to fill said vacancies until the next regular election. The secretary or treasurer to be misplaced or vacancies filled as said board may see proper.

**Quorum.** SEC. 4. *Be it enacted*, That a majority of said board of directors shall constitute a quorum to do business in the absence of the president. any one of the directors present may fill his place, as may be agreed upon by those present, with the same powers of the president.

**Called meetings.** Said directors to meet upon their own adjournment, and to have called meetings, at such time and places as they may think proper.

SEC. 5. *Be it enacted*, That said president and directors may have all necessary repairs of the premises made from time to time, may lease or rent the property of said company as they may think proper.

SEC. 6. *Be it enacted*, That said board of directors shall not have power, by any act or contract of theirs, to bind any stockholder beyond the amount of his or her stock and the issues and profits thereof.

**Dividends.** SEC. 7. *Be it enacted*, That it shall be the duty of said board of directors to make dividend of the profits of the establishment among the stockholders, in proportion to the amount of stock held by each stockholder at the end of each and every year, unless said directors shall determine (as they may) to expend said profits in additions and further improvements.

SEC. 8. *Be it enacted*, That if any share holder, that has heretofore subscribed for capital stock, or may hereafter subscribe, shall at any time fail or refuse to pay any instalment due, it shall be the special duty of the secretary to demand the same, and if not paid within ten days from the time of said demand, said directors may cause an action at law to be commenced for the same, in the name of said corporation, or they may, at their election, cause the stock of said delinquent stock holder to be forfeited to the company.

**Transfers.** SEC. 9. *Be it enacted*, That the shares of stockholders may be transferred upon the books of the secretary, and witnessed by said secretary, and vest the assignee with the same rights and privileges, and subject to the same penalties as was the original holder thereof; and the share or shares of any stockholder may be levied upon and sold by an execution at law, obtained upon any judgment in favor of said company, and the purchaser shall hold the same with all the incidents and

privileges thereto attached in the hands of the original holder.

SEC. 10. *Be it enacted*, That the secretary shall keep a record of all proceedings of said board of directors, and at the adjournment of each meeting the minutes shall be signed by the president and tested by the secretary, and a certified copy of any entry by the secretary, or the original books and entries may be received as evidence in any suit in which said corporation is interested, and the secretary, in all cases, shall be a competent witness to prove said books and entries, or any notice required to be given by him. Copies to be evidence.

SEC. 11. *Be it enacted*, That said board of directors shall have power to contract for work and labor on said hotel or premises, and buy materials, to borrow money, if necessary or expedient in building, completing and furnishing said hotel, upon the credit of said company. May borrow money.

SEC. 12. *Be it enacted*, That a majority of the stockholders being present, and voting in the affirmative, shall have power to raise, on each share subscribed, any amount not exceeding ten dollars on the share, and each stockholder shall be bound for the same, under the same rules and restrictions as provided for in the 8th and 9th sections of this act. May increase Stock.

SEC. 13. *Be it enacted*, That all contracts, acts and proceedings of the stockholders, heretofore done and performed, not inconsistent with this act, shall be binding and obligatory upon each stockholder, and the property heretofore purchased by said company, both real and personal, shall be vested in them, and each of them and each of their heirs and assigns in proportion to the amount of stock owned by each, according as in this act stipulated.

JORDAN STOKES,

*Speaker of the House of Representatives.*

M. R. HILL,

*Speaker of the Senate.*

Passed, January 20, 1852.

## CHAPTER CXXXI.

AN ACT to amend the Revenue Laws of this State.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Tennessee,* That hereafter it shall be the duty of the president and directors, the superintendant, or such other officer as the president and directors may appoint of the different incorporated companies for manufacturing purposes in this State, to list the property of the company subject to taxation, including stock in the county where the same is located, and the shareholders shall not be required to give in for taxes the stock which may be owned by him or them in such manufacturing company. The president, directors and company in their corporate capacity, shall be liable to pay taxes.

**SEC. 2.** *Be it enacted,* That the second section of an act passed January 19th, 1850, entitled, an act to amend the ninth section of an act passed February 5th, 1848, entitled, an act to amend the revenue laws of this State, be so construed as not to apply to steamboats; and the owners or masters of steamboats, trading or dealing in goods, wares and merchandise, shall hereafter take out license as merchants.

JORDAN STOKES,

*Speaker of the House of Representatives.*

M. R. HILL,

*Speaker of the Senate.*

Passed, February 27, 1852.

## CHAPTER CXXXII.

AN ACT to incorporate the Pikeville and Jasper Rail Road Company.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Tennessee,* That the formation of a company is hereby authorized for the purpose of constructing a rail road from Pikeville to Jasper, and to connect with the Nashville and Chattanooga rail road on the Tennessee river, at such point as the company may select, which company shall consist of the stockholders, and when formed, shall be a body corporate, by the name and style of the Pikeville and Jasper rail road

company, and by which name shall have and enjoy, possess and exercise all the rights, powers and privileges and franchises, so far as the same are applicable, which the Nashville and Chattanooga rail road company have by the terms of an act passed 11th December, 1845, entitled, "an act to incorporate the Nashville and Chattanooga rail road company," and be subject to the same liabilities and restrictions therein imposed.

Sec. 2. *Be it enacted*, That the capital stock of said company, shall be seven hundred thousand dollars, to be divided into shares of fifty dollars each, and George W. Rice, John Haly, David Rankin, Ignatius Hall, John M. Havron, Josiah M. Anderson, Daniel F. Cocke, Thomas N. Frazier, Cravens Sherrill, Moses Easterly, Wm. Griffith, T. A. Pope, Benjamin F. Bridgeman, Peter J. Swofford, Thomas Swofford, William Brown, James Scott, Samuel W. Roberson, S. N. Norwood, Adam Lamb, James E. Coffee, Joseph Hixson, Jesse C. Roberson, Isaac Anderson, John Parham, A. J. Hoodenpyle, James Stephens, James Ormes, John Tollett, John Billingsly, Benjamin Bently, W. L. Greer, R. B. Roberson, John M. Bridgeman, Thomas A. Pope, Samuel McCronalds, Byram Herd, Isaac Roberson, Elliott H. Boyd, Peter Hoodenpyle, James C. Spears; for Marion: William Rankin, Burrel L. Bennett, Allen Kirklin, Isaac Hicks, Amos Griffith, Thomas Smith, Raphael Shelton, Richard W. Stone, Jas. N. Martin, James Hawkins, George Stewart, John Rogers, Henry Grayson, James B. Kelly, Arthur Long, James Klipper, Saml. Bean, R. S. Rawlings, Jackson Pryor, G. H. Pryor, D. Rawlings, W. S. Griffith, D. R. Rawlings, Pleasant A. Mitchell, William Stone, Jeremiah Maxwell, J. T. Ashburn, be hereby appointed a board of commissioners, who may at such times and places, and upon such terms as they may think proper, dispose of or open books for the subscription of said stock, and who shall, as to this road in all respects, have the power to perform the duties prescribed for the board of commissioners of the Nashville and Chattanooga rail road, by the 4th section of the act aforesaid, in relation to that road. And whenever the number of five thousand shares shall be subscribed, the company shall be considered as formed, as having a corporate existence as aforesaid, and the board of commissioners may proceed to survey the route of the road, and make an estimate of the costs of construction. And when five thousand shares shall have been subscribed, the board of commissioners shall appoint a time for the stockholders to meet at

Capital Stock.

Commissioners.

such place as may be designated for the purpose of electing a president and five directors, to manage the affairs of the company, the president shall be elected as the other directors are by direct vote of the stockholders, each share shall entitle the stockholder to one vote.

SEC. 3. *Be it enacted*, That the board of directors may call for the payment of the stock subscribed in sums not exceeding five dollars on the share, in every thirty days, and to enforce its payment the same remedy is given as in the act aforesaid.

JORDAN STOKES,

*Speaker of the House of Representatives.*

M. R. HILL,

*Speaker of the Senate.*

Passed, January 27, 1852.

## CHAPTER CXXXIII.

AN ACT to define the duties of School Commissioners in certain cases.

*Be it enacted by the General Assembly of the State of Tennessee*, That common school commissioners or trustees of common schools, be and they are hereby authorized to employ Female teachers in any school, for such time as they may think proper, who shall be paid in the same manner as other teachers, under the laws now in force in this State.

JORDAN STOKES,

*Speaker of the House of Representatives.*

M. R. HILL,

*Speaker of the Senate.*

Passed, February 21, 1852.

## CHAPTER CXXXIV.

AN ACT to amend the Criminal laws of this State.

*Be it enacted by the General Assembly of the State of Tennessee, That if any person shall be guilty of begetting an illegitimate child on the body of his wife's sister, the person so offending, shall be deemed and held guilty of a felony, and on conviction, shall be imprisoned in the Penitentiary house of this State, for a period not less than two years.*

JORDAN STOKES,

*Speaker of the House of Representatives.*

M. R. HILL,

*Speaker of the Senate.*

Passed, February 24, 1852.

## CHAPTER CXXXV.

AN ACT to authorize suits to be brought at law on copies of lost bonds.

*Be it enacted by the General Assembly of the State of Tennessee, That suits at law, may hereafter be brought on a copy, without the production of the original if lost or mislaid, and cannot be found; if any official bond with collateral conditions heretofore executed or hereafter to be executed by any officer, (and securities) of any incorporated town in this State, to said corporation, for the faithful discharge of his official duties, in the same manner, that suits might be maintained on the original, and for the like breaches of its conditions.*

JORDAN STOKES,

*Speaker of the House of Representatives.*

M. R. HILL,

*Speaker of the Senate.*

Passed, February 21, 1852.

## CHAPTER CXXXVI.

AN ACT to amend an act passed 8th January, 1846, entitled an act concerning corporations and the act supplemental thereto, passed 23d January, 1850.

*Be it enacted by the General Assembly of the State of Tennessee,* That the above recited act be so amended, that hereafter the service of leading process upon any of the officers or agents mentioned in said acts, as therein prescribed, shall be deemed a sufficient service, whether the president, cashier, treasurer, or secretary of such corporation reside in the State or not, and that the provisions of this act, shall apply as well to foreign as to domestic corporations.

JORDAN STOKES,

*Speaker of the House of Representatives.*

M. R. HILL,

*Speaker of the Senate.*

Passed, February 21, 1852.

## CHAPTER CXXXVII.

AN ACT to amend the law on public roads.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That in all cases where an overseer of any of the public roads in this State, may have heretofore, or may hereafter be involved in a suit in any of the courts of this State, to enforce the laws against delinquent hands, or against persons for obstructing the roads, or for violating the provisions of the road laws, and the suit shall have been or may be decided against said overseer, then and in that case, the costs accruing in said cause shall be paid by the county in which the said suit commenced.

SEC. 2. *Be it further enacted,* That before any judgment shall be given for costs, against any of the counties in this State, it shall appear to the court trying the cause, that the suit was commenced in good faith, and prosecuted under the advice of the attorney general.

JORDAN STOKES,

*Speaker of the House of Representatives.*

M. R. HILL,

*Speaker of the Senate.*

Passed, February 21, 1852.

## CHAPTER CXXXVIII.

AN ACT for the benefit of Mills and Mill-owners and Manufacturing establishments.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That all laws and parts of laws heretofore enacted, declaring the North Fork of Obion river navigable from William S. Scott's mills, in Weakley county, to or above Alexander Sprout's bridge in said county, be and the same are hereby repealed.

SEC. 2. *Be it further enacted*, That hereafter the head of navigation of said river shall be at said Scott's mills.

SEC. 3. *Be it enacted*, That the provisions of an act of 1777, chap. 23, in relation to the erection of mills, be extended to manufacturing establishments; and that any person or company of persons, who may wish to erect a manufacturing establishment, may avail themselves of the provisions of the above recited act, so far as they may be applicable.

JORDAN STOKES,  
*Speaker of the House of Representatives.*

M. R. HILL,

*Speaker of the Senate.*

Passed, February 5, 1852.

## CHAPTER CXXXIX.

AN ACT to amend the law regulating the election and duties of Constables in this State.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That hereafter, when any person is elected constable in this State, he shall hold the office and exercise the duties of his office until his successor shall be elected and qualified, or until the said constable shall be again qualified in case of his re-election.

SEC. 2. *Be it further enacted*, That hereafter when any constable shall go out of office, it shall be his duty on demand of any person who has put claims into his hands for collection, to furnish to said person a list in writing of the uncollected claims so put into his hands, together with the district and the magistrate before whom the judgments were recovered, and if such constable shall on demand, fail to give said list in thirty

days, he shall be liable to a suit for damages, to be recovered before any court or justice of the peace in the county where he may reside. *Provided*, That this act shall not take effect on any of the present incumbents in the office of constable.

JORDAN STOKES,  
*Speaker of the House of Representatives.*  
 M. R. HILL,  
*Speaker of the Senate.*

Passed, February 25, 1852.

## CHAPTER CXL.

AN ACT to amend the 6th section of the act of 1848, chap. 154, passed the 4th day of February, 1848.

Savannah  
 Academy.

*Be it enacted by the General Assembly of the State of Tennessee*, That the 6th section of the act of 1848, chap. 154, passed the 4th day of February, 1848, be so amended, that there shall be five trustees elected to manage the female branch of the Savannah Academy in the county of Hardin, and that said trustees shall be elected in the same manner and for the same length of time, and shall be governed by the same rules, regulations and restrictions, and have the same powers to fill vacancies, as provided for in the act of 1840, chap. 102, passed the 27th day of January, 1840, and the act of 1838, passed the 17th day of January, 1838, incorporating the Fulton Academy in the county of DeKalb.

JORDAN STOKES,  
*Speaker of the House of Representatives.*  
 M. R. HILL,  
*Speaker of the Senate.*

Passed, February 21, 1852.

## CHAPTER CXLI.

AN ACT to authorize an executor or administrator to resign his office, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That whenever an executor or administrator appointed by a testator or county court, shall desire to resign and relinquish his trust, he may make application therefor in writing to the county court or court of chancery having cognizance of the settlement of the estate, and said court, after such public notice shall have been given as it shall have ordered, may at its discretion accept the resignation of such executor or administrator, and appoint an administrator with the will annexed in place of such executor, and another administrator in place of such administrator taking good and sufficient bond with sureties, according to law, from such administrator who shall be so appointed.

SEC. 2. Where the legatees, devisees or next of kin, reside in the county where letters of administration or letters testamentary have been granted, five days notice shall be given to them, their agent or attorney, of the filing or intention to file said petition. Where they reside out of the county, the court shall order such notice to be given by publication in a newspaper, or by posting at the door of the court house, or such other mode as the court may think reasonable. Notice.

SEC. 3. The executor or administrator, before his resignation is accepted, shall make a settlement of his accounts, he shall pay over and deliver to the administrator appointed in his stead, the balance of money, property and effects in his hands, and the court may order an execution to issue against him and his securities, after giving five days notice to the securities, unless the payment and delivery is made in pursuance of the order of the court. Shall make settlement.

SEC. 4. The administrator with the will annexed so appointed, and all administrators with the will annexed, shall have the same power and authority as the executor had by the will of the testator, and shall be authorized to sell land if the executor possessed that power; and within one month from the time of the appointment, the administrator appointed by virtue of the first section of this act, shall make a true and perfect inventory of the estate of the testator or intestate that comes to his hands. Administrator to possess powers of executor.

SEC. 5. *Be it further enacted*, That in all cases where

**Administrator, de bonis non.** an executor or administrator may have heretofore resigned, and an administrator *de bonis non* has been appointed in the room and stead of the person so resigning, the acts and proceedings of the administrator *de bonis non* shall be as good and valid in law, as if the executor, administrator, or administrator *de bonis non* had died or been removed.

**Guardians.** SEC. 6. *Be it further enacted*, That guardians shall have the same power to resign, as executors and administrators have under the provisions of this act, and subject to the same conditions.

**Powers of county court.** SEC. 7. *Be it enacted*, That an act passed January 10th, 1850, chap. 29, entitled, "an act granting certain powers to the county courts," be and the same is hereby so amended, that the county court of any county from which a guardianship is sought to be removed, shall have power, and it shall be the duty of said court to enquire into the reasons and the truth and sufficiency of the facts set forth in the petition, and upon the hearing there shall be no order made for the removal of such guardianship until the court shall be satisfied, that the bond produced is of double the amount and amply sufficient to secure the estate of the ward, and that it is the interest of such ward that the guardianship should be removed. Nor shall it be obligatory upon the court to order the removal of the guardianship, but the same shall be discretionary with the court, when a proper state of facts shall be presented.

SEC. 8. *Be it enacted*, That this act shall take effect from and after its passage, and shall govern the action of the county court upon petitions which may be presented to the court, but not finally acted upon previous to the passage of this act.

JORDAN STOKES,

*Speaker of the House of Representatives.*

M. R. HILL,

*Speaker of the Senate.*

Passed, February 27, 1852.

## CHAPTER OXLII.

AN ACT to amend the act of 1833, chap. 43, and the act of 1847 and 8, ch. 129.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That in all cases where any motions or proceedings have been heretofore made in any of the courts of this State, against any sheriff for failing to make proper returns on executions, where the uncollected monies may be due to the State or counties, the sheriffs or defendants shall be permitted to prove the fact of the insolvency of the defendants in said executions at the date of the issuance of said executions, on which proof being made to the satisfaction of the court, the defendant in the motion shall be released from liability for failing to make proper return on said execution.

SEC. 2. *Be it enacted*, That this act shall take effect from and after its passage.

SEC. 3. *Be it enacted*, That in all cases where the money has been paid over, under the provisions of the act, which this is intended to amend, into the hands of the sheriff or clerk, by the delinquent officer or his securities, and not paid over into the treasury, the said delinquent officer or his securities, may make the same defence that he or they is or are authorized by this act to make, to the case provided for in the previous section, and that he or they, may have all necessary process to restrain said clerk or sheriff upon making out a proper case by petition, supported by affidavit, from paying over said funds into the treasury until the questions involved may be decided by the court. Delinquent may make defence.

SEC. 4. *Be it enacted*, That the proceedings under this act, shall be by petition to the court from which the executions issued, and five days notice shall be given to the attorney general of the district of the filing of the petition; and before any order is made thereon, and in the cases provided for in the first section of this act, bond and security shall be given by the sheriff and his securities, to abide by and perform the judgment of the court.

JORDAN STOKES,

*Speaker of the House of Representatives.*

M. R. HILL,

*Speaker of the Senate.*

Passed, February 24, 1852.

## CHAPTER CXLIII.

AN ACT for the relief of persons who have property twice listed for taxation, &c.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That hereafter when it may appear from the record of any of the several county courts in this State, that the taxable property or polls of any person in said county, shall have been wrongfully listed for taxation, or twice listed, it shall and may be lawful for the county court of the county, wherein such mistake occurs, to examine and hear proof in the premises and determine the same, and if it shall appear to the satisfaction of the court, that the same has been wrongfully listed or twice listed, it shall be the duty of said county court to order the release of the same, and also order the clerk of their respective courts to make out a certified copy of said order, and certify the same together with the amount of taxes so released by said court, and a copy of the order of said court shall be a good voucher in the hands of the revenue collector for said county in his annual settlement with the county trustee of his county. Also with the comptroller of the treasury in his settlement of the State revenue for said year.

*Sec. 2. Be it further enacted*, That the quorum courts, as well as the quarterly courts, shall have full power to examine and make orders for the relief of all such persons as may come within the purview and meaning of this act.

JORDAN STOKES,  
*Speaker of the House of Representatives.*  
M. R. HILL,  
*Speaker of the Senate.*

Passed, February 16, 1852.

## CHAPTER CXLIV.

AN ACT to regulate the manner of bringing suits on the official bonds of the clerks of the different courts in this State, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That suits shall hereafter be brought on the official bonds of the clerks of the different courts, and the clerks and masters of the chancery courts in this State, heretofore executed or hereafter to be executed, with collateral conditions, against the

principal and his securities or against principal or securities, or either of them, or his, her or their personal representatives, in the name of the obligee in said bond, for the use of the party injured, without any assignment thereof by the obligee to the party injured, within the original bond or a copy thereof, or a copy from the minutes of said courts when the same has been spread upon the minutes, said suit or suits may be brought in a court of law, as well as in a court of chancery, if the original has been lost or unintentionally mislaid and can be found, and said suit or suits shall be brought and have the same effect in all things if assigned to the party injured, except as altered by this act. *Provided*, That in suits at law, an affidavit of the party injured, his agent or attorney, as now required by law in similar cases, be made so far as the same may be applicable.

Sec. 2. *Be it enacted*, That all laws authorizing the assignment of the official bonds of the clerks and clerks and masters of the different courts in this State, to the party injured for the purpose of enabling him, her or them to bring suit on the same, be and the same are hereby repealed, and that this act take effect from and after its passage.

JORDAN STOKES,

*Speaker of the House of Representatives.*

M. R. HILL,

*Speaker of the Senate.*

Passed, February 24, 1852.

## CHAPTER CXLV.

AN ACT to compel the attendance of witnesses before Justices of the Peace.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That when any witness shall be summoned to appear before any justice of the peace in any cause to be tried before said justice, and such witness shall fail or refuse to appear and give evidence, he shall forfeit and pay to the party at whose instance the subpoena issued, the sum of twenty-five dollars. And on motion of the party at whose instance the witness was summoned, a conditional judgment shall be entered by the justice against the witness for the said sum of twenty-five dollars, but before final

judgment shall be entered, a writ of *scire facias* shall issue, directed to the sheriff or any constable of the county, commanding the witness to appear before said justice and show cause why final judgment should not be entered, and if the witness fails so to do, the justice shall enter up final judgment against the witness for said sum of twenty-five dollars and costs, and execution shall issue thereon.

**SEC. 2:** Any witness summoned to attend before a justice or justices of the peace, shall receive fifty cents for every day's attendance, without reference to the distance said person may live from the place of trial.

**SEC. 3.** This act shall take effect from and after its passage.

JORDAN STOKES,  
*Speaker of the House of Representatives.*  
 M. R. HILL,  
*Speaker of the Senate.*

Passed, February 18, 1852.

## CHAPTER CXLVI.

AN ACT to repeal the first and second sections of the act of 1811, chap. 91.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Tennessee,* That the first and second sections of the act of 1811, chap. 91, be and the same are hereby repealed, and in all suits for the recovery of damages, occasioned by the overflowing of water by the erection and keeping up a grist mill, saw mill or other water works, the successful party shall be entitled to full costs, as provided in the 74th section of the act of 1794, chap. 1. *Provided,* That if said judgment for damages does not exceed five dollars, the plaintiff shall not recover more costs than damages.

**SEC. 2.** *Be it enacted,* That in all suits contemplated in the first section of this act, and in all other suits brought for the recovery of damages resulting from any nuisance, and the question or one of the questions submitted to the jury and found by their verdict is that the mill or other water works is a nuisance, if the verdict be for the plaintiff and the court pronounce judgment in favor of the verdict, the said court may immediately upon petition to the court in writing, order the said nuisance to be abated in the same [manner] and

Nuisance—how removed.

to the same extent that chancery courts now have the power to do, and in none of such cases, after a verdict and judgment as aforesaid, shall it be necessary for the plaintiff to resort to a court of equity to have such nuisance removed.

JORDAN STOKES,  
*Speaker of the House of Representatives.*

M. R. HILL,  
*Speaker of the Senate.*

Passed, February 24, 1852.

## CHAPTER CXLVII.

AN ACT to amend the 2d section of the act of 1846, chap. 174, passed the 2d day of February, 1846.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That all the official acts of the surveyors on the west side of the Tennessee river, in the county of Hardin, from the time said office was created by said act of 1846, up to the expiration of the present time, for which said surveyor has been elected by the county court of Hardin county, in running out occupants and entrys, laying off dowers and partitioning lands, and making and returning plats thereof, with all other duties appertaining to said office, be and the same are hereby legalized and declared valid, both in law and equity, to all intents and purposes, as if the aforesaid act which this is intended to amend, had authorized and provided for the re-election of said surveyors by said county court.

SEC. 2. *Be it enacted,* That when the present time of said surveyor shall expire, in accordance with the last election, the said county court shall re-elect a surveyor from time to time, to fill said office, whose term of service shall conform to the constitution and laws of this State, and who shall be under the same rules, regulations and restrictions, and be entitled to the same fees as other surveyors are in this State. County court to elect.

SEC. 3. *Be it further enacted,* That in each case where any entry-taker, south and west of the congressional reservation line, has failed to make out a plan of the entries in their counties, and the surveys in pursuance of the 4th section of the act passed the 11th of Fund appropriated to common schools.

January, 1842, chap. 37, that the amount of money so appropriated and received by said entry-taker, is hereby appropriated to the common school fund for such county, where such plan has not been made out, and said fund shall be distributed as other common school funds for such county.

SEC. 4. *Be it further enacted*, That if any entry-taker shall fail or refuse to pay over said amount so received, where said plan has not and was not made out on the first of September last, of all surveys then made in said county, the attorney general for such judicial circuit, where a defalcation as aforesaid has taken place, shall institute suit for the same, and prosecute it to judgment for the use of the county in the name of the trustee of the county, in any court having jurisdiction of the same.

JORDAN STOKES,

*Speaker of the House of Representatives.*

M. R. HILL,

*Speaker of the Senate.*

Passed, February 18, 1852.

## CHAPTER CXLVIII.

AN ACT to change the manner of keeping up the Public Roads in this State.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That from and after the passage of this act, the county courts of Henry, Gibson, Dyer, Carroll, Sullivan, and Lewis counties, are authorized to classify the public roads of their respective counties, into first, second and third classes, and to assess a tax upon the property and polls of the county, to be applied to the keeping up and repairing said public roads. *Provided*, That the sheriffs of the counties give public notice of this act at all the precincts within their respective counties, thirty days prior to the March election, and if a majority of all the people voting for county officers, shall vote for the assessment of said tax, it shall be the law within said county, until repealed by the General Assembly or revoked by the vote of the people. Those voting for the tax, shall write upon the back of their ticket the words "road tax;" those opposing the tax, shall write upon the back of their ticket, the words "no road tax."

**SEC. 2.** *Be it enacted,* That in levying the tax, the court shall discriminate between property and polls, at its own option.

**SEC. 3.** *Be it enacted,* That the revenue collector of each county that may embrace the provisions of this act, shall be authorized to collect said road tax, at the same time and in the same manner, and under the same laws which prescribe for the collection of State and county revenue, and that he shall be entitled to the same commissions upon the tax so collected, as a compensation for his services. County collector.

**SEC. 4.** *Be it enacted,* That the tax collector be required to give an additional bond, with approved security, for the payment of said road tax, double the amount of said tax, and that he be also required to pay over said tax as fast as he collects it to the county trustee, and take his receipt for the same, which shall be a voucher. Collector to give additional bond.

**SEC. 5.** *Be it enacted,* That said collector and his securities, for a failure to collect and to pay over said road tax to the county trustee, within the time prescribed, shall be liable to all the pains and penalties to which said officer is subject, for a failure to collect and pay over the State and county revenue.

**SEC. 6.** That the county court shall, at the April term, let out or cause to be let out for one year, either in sealed proposals, which proposals shall be received by the chairman of the court from the 15th of March, until the 31st inclusive, or at public auction as said court may deem most expedient, to the lowest bidder, said public roads in sections of not less than one, nor more than twenty miles. Lettings.

**SEC. 7.** *Be it enacted,* That the undertakers for the faithful performance of the work, shall be required to give bond and security in sums double of their bids, and for a failure to keep said road in good traveling repair for wagons and carriages, shall forfeit said bond and shall be liable to be moved against by the Attorney General in the circuit court, and shall be liable to indictment as overseers of public roads are now liable. Penalty of undertakers.

**SEC. 8.** *Be it enacted,* That the county trustee shall not be authorized to pay out any of this fund, only by order of the county court, and said court shall issue no order to the trustee for the payment of any of this fund only at its quarterly sessions, and not then, only for work already performed. *Provided,* That in no case, the county court shall authorize the payment of any undertaker while a motion is filed in the circuit Trustee when to pay out

court by the attorney general against said undertaker, for a failure to comply with his contract.

SEC. 9. *Be it enacted*, That the contractor shall have power to take timber to make and repair bridges and make causeways on the lands adjoining the roads and bridges, in the same manner as overseers of the roads now have by law.

SEC. 10. *Be it enacted*, That all laws inconsistent with the provisions of this act, are hereby repealed, and that this act take effect from and after its passage.

JORDAN STOKES,

*Speaker of the House of Representatives.*

M. R. HILL,

*Speaker of the Senate.*

Passed, January 20, 1852.

## CHAPTER CXLIX.

AN ACT to provide for the settlement of Estates by executors, administrators and guardians, residing in new counties.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That when letters testamentary may have been granted, or letters of administration may have been taken out in any county in this State, and the portion of such county, where the deceased person resided at his death, upon whose estate letters of administration or testamentary may have been granted as aforesaid, has been stricken off to establish a new county, it shall be lawful for any of the parties interested in such estate, to apply to the clerk of the county court of the county, where such letters of administration or testamentary were granted, for a transcript of the inventory, and all settlements that may have been made with said clerk of such estate and such transcript certified by the clerk, shall be *prima facie* evidence of the condition of such estate, as appearing from the records of his office.

Clerks of new  
counties to make  
settlement.

SEC. 2. *Be it enacted*, That when the certified transcript, as mentioned in the first section of this act, shall be filed in the office of the county court clerk of the new county so stricken off, the clerk shall proceed to make his settlements upon such transcript and shall

have the same power to issue subpoenas for the representatives of such deceased persons to come forward and make settlement of such estates, as county court clerks now have by the existing laws of this State.

SEC. 3. *Be it enacted*, That the first and second sections of this act, shall apply in the same manner to guardians and the estates under their control, as they do to the estates and representatives of deceased persons.

SEC. 4. *Be it further enacted*, That when such transcript shall be filed in the office of the county court clerk of the new county, as provided in this act, said clerk may have the same powers in relation thereto, and such administrators, executors and guardians, shall have the same privileges, be under the same rules and restrictions, and subject to the same penalties, as are prescribed in the act passed January 22, 1838, chap. 125.

SEC. 5. *Be it enacted*, That the clerk of the county court who makes out and certifies a transcript, under the provisions of this act, shall receive as his compensation for so doing, the sum of two dollars and fifty cents, when the estate does not exceed in value five hundred dollars, and one dollar in addition for every additional five hundred dollars the estate may be worth, which compensation shall be paid by the person applying for the transcript, and to be thereafter chargeable to the estate of which the transcript is an exhibit.

SEC. 6. *Be it enacted*, That this act shall not in any manner, control or interfere with guardianships or the settlement of estates, unless a transcript shall have been applied for and obtained under the provision of the same.

SEC. 7. *Be it enacted*, That the provisions of this act, shall apply in the same manner to new counties that may hereafter be established, as it does to those already in existence.

JORDAN STOKES,  
Speaker of the House of Representatives.  
M. R. HILL,  
Speaker of the Senate.

Passed, February 21, 1852.

## CHAPTER CL.

AN ACT to amend the 16th section of the act of 1840, chap. 38, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the 16th section of the act of 1840, chap. 38, be so amended, that it shall be lawful for the common school commissioners, of two or more common school districts, to unite and employ a superior teacher to teach at such school house as they may select, without requiring such teacher to divide his time between their districts; and it shall be lawful for the commissioners of each district to pay such teacher so much of the common school fund as each child sent to said school would be entitled to if sent to the respective district schools.

Cedar Spring  
Academy.

SEC. 2. *Be it further enacted,* That the children of the several common school districts, near Cedar Spring Academy, in the county of Sullivan, who desire it, may draw that portion of the common school fund to which they may be entitled, and attend said academy. And it shall be lawful for the commissioners of any such district to pay to the teacher of said academy such portion of the common school fund as each child, attending said academy, would be entitled to if sent to their respective district schools. *Provided,* That the provisions of this act shall only extend to the county of Sullivan.

JORDAN STOKES,  
*Speaker of the House of Representatives.*  
M. R. HILL,  
*Speaker of the Senate.*

Passed, February 27, 1852.

## CHAPTER CLI.

AN ACT to establish a system of Internal Improvements in this State.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That whenever the East Tennessee and Virginia Rail Road Company shall have procured *bona fide* subscriptions for the capital stock in said company to an amount sufficient to grade, bridge, and prepare for the iron rails the whole extent of the main trunk line proposed to be constructed by said

company, and it shall be shown by said company to the Governor of the State, that said subscriptions are good and solvent, and whenever said company shall have graded, bridged, and shall have ready to put down the necessary timbers for the reception of rails, and fully prepared a section of thirty miles of said road at either terminus, in a good and substantial manner, with good materials, for putting on the iron rails and equipments, and the Governor shall be notified of these facts, and that said section, or any part thereof, is not subject to any any lien whatever, other than those created in favor of the State by the acts of 1851-2, by the written affidavits of the chief engineers and President of said company, together with the written affidavit of a competent engineer, by him appointed, at the cost of the company, to examine said section, then said Governor shall issue to said company *coupon* bonds of the State of Tennessee to an amount not exceeding eight thousand dollars per mile on said section, and on no other condition, which bonds shall be payable at such place in the United States as the President of the company may designate, bearing an interest of *six per centum per annum*, payable semi-annually, and not having more than forty, nor less than thirty years to mature.

When bonds to  
to issue

Sec. 2. *Be it enacted*, That the bonds before specified, shall not be used by said company, for any other purpose than for procuring the iron rails, chairs, spikes and equipments for said section of said road, and for putting down said iron rails, and the Governor shall not issue the same, unless upon the affidavit of said President and a resolution of a majority of the board of directors, for the time being, that said bonds shall not be used for any other purpose than for procuring the said iron rails, chairs, spikes and equipments for said section, and for putting down said iron rails, and the Governor shall have power to appoint a commissioner to act under oath, in conjunction with said President in negotiating said bonds for the purposes aforesaid, and to act in any other matters pertaining to said company, where the interest of the State, in the opinion of the Governor may require it.

Governor to ap-  
point commis-  
sioner.

Sec. 3. *Be it enacted*, That so soon as the bonds of the State shall have been issued for the first section of the road as aforesaid, they shall constitute a lien upon said section so prepared as aforesaid, including the road-bed, right of way, grading, bridges and masonry, upon all the stock subscribed for in said company, and upon said iron rails, chairs, spikes and equipments, when purchased and delivered, and the State of Tennessee,

Lien.

upon the issuance of said bonds and by virtue of the same, shall be invested with said lien or mortgage without a deed from the company, for the payment by said company of said bonds, with the interest thereon as the same becomes due.

Additional sections.

SEC. 4. *Be it enacted*, That when said company shall have prepared as aforesaid, a second section, or any additional number of sections of twenty miles each of said road, connecting with a section already completed for the iron rails, chairs, spikes and equipments, as provided in the first section of this act, and the Governor shall be notified of the facts as before provided, he shall; in like manner, issue to said company like bonds of the State of Tennessee to an equal amount with that before issued under the first section of this act, for each and every section of twenty miles of said road so prepared as aforesaid, but upon the terms and conditions herein before provided, and upon the issuance of the said bonds, the State of Tennessee shall be invested with a like mortgage or lien without a deed from said company, upon said stock, and upon said first and additional section or sections of said road so prepared, upon the rails and equipments put, or to be put upon the same, for the payment of said bonds and the accruing interest thereon. *Provided*, that if the last section of said road shall be less than twenty miles, or if the rail road proposed to be constructed by any company hereinafter specified, shall be less than thirty miles in extent, bonds of the State shall be issued for such section, or such rail road as may be less than thirty miles in extent, for an amount in proportion to the distance as provided in this act, but upon the same terms and conditions, in all respects, as required in regard to the bonds to be issued for the other sections of said road. And when the whole of said road shall be completed, the State of Tennessee shall be invested with a lien, without a deed from the company, upon the entire road, including the stock, right of way, grading, bridges, masonry, iron rails, spikes, chairs, and the whole superstructure and equipments, and all the property owned by the company as incident to, or necessary for its business; and all depots, and depot stations, for the payment of all of said bonds issued to the company as provided in this act, and for the interest accruing on said bonds. And after the Governor shall have issued bonds for the first section of the road, it shall not be lawful for said company to give, create, or convey to any person or persons, or body corporate whatever, any lien, incumbrance or mortgage of any kind which shall have priority over,

or come in conflict with the lien of the State herein secured; and any such lien, incumbrance, or mortgage, shall be null and void as against said lien or mortgage of the State, and the said lien or mortgage of the State shall have priority over all other claims existing or to exist against said company. Priority of State  
lien.

Sec. 5. *Be it enacted*, That it shall be the duty of said company to deposit in the Bank of Tennessee at Nashville, at least fifteen days before the interest becomes due, from time to time, upon said bonds issued as aforesaid, an amount sufficient to pay such interest, including exchange and necessary commissions, or satisfactory evidence that said interest has been paid or provided for, and if said company fail to deposit said interest as aforesaid, or furnish the evidence aforesaid, it shall be the duty of the Comptroller to report that fact to the Governor, and the Governor shall immediately appoint some suitable person or persons, at the expense of the company, to take possession and control of said rail road, and all the assets thereof, and manage the same and receive the rents, issues, profits and dividends thereof, whose duty it shall be to give bond and security to the State of Tennessee, in such penalty as the Governor may require, for the faithful discharge of his or their duty, as receiver or receivers, to receive said rents, issues, profits and dividends, and pay over the same under the direction of the Governor towards the liquidation of such unpaid interest. And if said company fail or refuse to deliver up said road to the person or persons so appointed by the Governor, the said person so appointed shall report that fact to the Governor, who shall forthwith issue his warrant, directed to the sheriffs of the counties through which said road shall run, commanding them to take possession of said road, fixtures and equipments, and everything pertaining thereto, and place the said receiver in full and complete possession of the same, and said receiver so appointed shall continue in the possession of said road, fixtures and equipments, and run the same and manage the entire road until a sufficient sum shall be realized, exclusive of the costs and expenses, incident to said proceedings, to pay off and discharge the interest as aforesaid, due on said bonds, which being done, the receiver shall surrender said road and fixtures and equipments to said company. The comptroller shall from time to time, settle the accounts with the receiver, and the balance shall be deposited in the Treasury of this State. The comptroller is authorized, and it is made his duty, upon his warrant to draw from the Interest to be  
deposited. Receiver to be  
appointed.

Treasury any sum of money necessary to meet the interest on such bonds, as may not be provided for by the company, as provided for in this act, and the comptroller shall report thereof to the General Assembly from time to time.

**Failure to pay bonds.** SEC. 6. *Be it enacted*, That if said company shall fail or refuse to pay any of said bonds when they fall due, it shall be the duty of the Governor to notify the Attorney General of the District in which is situated the place of business of said company, of the fact, and thereupon, said Attorney General shall forthwith file a bill against said company in the name of the State of Tennessee, in the chancery or circuit court of the county in which is situated said place of business, setting forth the facts, and thereupon said court shall make all such orders and decrees in said cause as may be deemed necessary by the court, to receive the payment of said bonds, with the interest thereon, and to indemnify the State of Tennessee against any loss on account of the issuance of said bonds, by ordering the said rail road to be placed in the hands of a receiver, ordering the sale of said road, and all the property and assets attached thereto or belonging to said company, or in such other manner as the court may deem best for the interest of the State.

**Sinking fund provided for.** SEC. 7. *Be it enacted*, That at the end of five years after the completion of said road, said company shall set apart one *per centum per annum* upon the amount of bonds issued to the company, and shall use the same in the purchase of bonds of the State of Tennessee, which bonds, the company shall pay into the Treasury of the State, after assigning them to the Governor, and for which the Governor shall give said company a receipt, and as between the State and said company, the bonds so paid in, shall be a credit on the bonds issued to the company. And bonds so paid in and the interest accruing thereon, from time to time, shall be held and used by the State as a sinking fund, for the payment of the bonds issued to the company, and should said company re-purchase any of the bonds issued to it under the provisions of this act, they shall be a credit as aforesaid and cancelled. And should said company fail to comply with the provisions of this section, it shall be proceeded against, as provided in the fifth section of this act.

**Companies to report annually.** SEC. 8. *Be it enacted*, That the President of the company shall make semi-annual reports under oath, to the Governor, until the completion of said road, setting forth fully the condition of the road and the company,

and after its completion, he shall report to the Governor annually, showing the financial condition of the company, giving a statement of the trade and travel upon the road, the receipts and expenditures, nett earnings and dividends, and what per cent. is paid on the stock to the stockholders. And said reports shall be consolidated every two years by the President of said company, and said consolidated reports shall be laid before the Governor by the first of September every two years after the completion of the road, and the Governor shall lay said report before the Legislature for its action, at the next meeting thereof, after said report is made.

SEC. 9. *Be it enacted*, That it shall not be lawful for any officer of said company to engage in any speculation or dealing, either directly or indirectly, in any real estate on or along the line, at any of the depots or depot stations, or at either terminus of said road, until after the road is completed, and every officer of the company before entering upon the duties of his office, shall take an oath in writing before any judge or justice of the peace in this State, that he will not knowingly violate the provisions of this act, and that he will faithfully perform the duties of his office, and if any such officer of the company, or other person taking an oath as herein provided, knowingly swear falsely, he shall be deemed guilty of perjury and subject to all the pains and penalties thereof, and every affidavit required under this act, may be sworn to before any judge or justice of the peace in this State.

Officers not to speculate in real estate.

SEC. 10. *Be it enacted*, That the provisions of this act, shall extend to and embrace the Chattanooga, Harrison, Georgetown and Charleston Rail Road Company, the Nashville and North Western Rail Road Company, the Louisville and Nashville Rail Road Company, the South Western Rail Road Company, the McMinnville and Manchester Rail Road Company, the Memphis and Charleston Rail Road Company, the Nashville and Southern Rail Road Company, the Mobile and Ohio Rail Road Company, the Nashville and Memphis Rail Road Company, the Nashville and Cincinnati Rail Road Company, the East Tennessee and Georgia Rail Road Company, the Memphis, Clarksville and Louisville Rail Road Company, and the Winchester and Alabama Rail Road Company, so far as the main trunk roads to be constructed by said companies lie within the limits of this State, and not otherwise; and said companies shall have all the powers and privileges, and be subject to all the restrictions and liabilities contained in this act. *Provided*, that this act shall not extend to or em-

What roads provided for.

brace more of the road proposed to be built by the Memphis, Clarksville and Louisville Rail Road Company, than that part which lies between the Kentucky line, and the Nashville and North Western Railroad or the Nashville and Memphis Rail Road. *And provided further*, That this act shall not extend to or embrace the East Tennessee and Georgia Rail Road Company, unless said company shall extend their road so as to form a junction with the East Tennessee and Virginia Rail Road at Knoxville; and in the event said company fail or refuse so to extend their said Rail Road to make said junction, then all the rights, powers and privileges, with the restrictions and liabilities of this act, shall extend to any company that may be hereafter chartered for the purpose of building a Rail Road to make said connection; and in no event shall the provisions of this act extend to or embrace more of the East Tennessee and Georgia Railroad, than that part which lies between Blair's Ferry and the city of Knoxville. *And provided*, That any lien now existing on the East Tennessee and Georgia Railroad, shall not prevent the issuance of bonds for its benefit as herein provided, but the affidavits required in the first section of this act, shall be deemed sufficient as applicable to said company, if it is stated in said affidavits that no lien has been created on said road since the passage of this act.

**SEC. 11.** *Be it enacted*, That the gauge of all of said Rail Roads (unless connecting with roads in other States of a different gauge) shall be the same as that of the Nashville and Chattanooga Rail Road, and not otherwise—and the iron rails to be put upon said road, shall not be less than eighty tons to the mile, if the U rail is used, and not less than one hundred tons to the mile, if the T rail is used.

**SEC. 12.** *Be it enacted*, That the State of Tennessee expressly reserves the right to enact by the legislature thereof, hereafter, all such laws as may be deemed necessary to protect the interest of the State, and to secure the State against any loss, in consequence of the issuance of bonds, under the provisions of this act. But in such manner as not to impair the vested rights of the stockholders of the companies.

**SEC. 13.** *Be it enacted*, That it shall be the duty of the Governor, from time to time, when there shall be reliable information given to him, that any Rail Road company shall have fraudulently obtained the issuance of the bonds of the State, or shall have obtained any of said bonds contrary to the provisions of this act, he shall notify the Attorney General of this State, whose

duty it shall be, forthwith to institute in the name of the State, a suit in the Circuit or Chancery Court, of the county of the place of business of the company, setting forth the facts. And when the fact shall satisfactorily appear to the court, that any of said bonds shall have been fraudulently obtained, or obtained contrary to the true intent, meaning and provisions of this act, then and in such case, the court shall order, adjudge and decree, that said road lying in the State, with all the property and assets of said company, or a sufficiency thereof, shall be sold, and the proceeds shall be paid into the Treasury, and it shall be the duty of the Comptroller immediately to vest the same in stocks, creating a sinking fund, as provided for in the 7th section of this act. And said company shall forfeit all rights and privileges under the provisions of this act. And the stockholders thereof, shall be individually liable for the payment of the bonds so fraudulently obtained by such company, and for all other losses that may fall upon the State, in consequence of the commission of any other fraud by such company, excepting such stockholders as may show to the said court that they were ignorant of or opposed the perpetration of such frauds by the company.

Sec. 14. *Be it enacted*, That in the event any of the roads, fixtures, or property belonging to any of said roads, shall be sold under the provisions of this act, it shall be the duty of the Governor to appoint an agent for the State, who shall attend said sale and protect the interest of the State, and shall, if necessary to protect said interest, buy in said road or property, in the name of the State, and in case said agent shall purchase said road for the State, the Governor shall appoint a receiver, who shall take possession of said road and property, and use the same as provided for in the 5th section of this act, and said receiver shall settle with the Comptroller semi-annually, until the next meeting of the General Assembly.

Sec. 15. *Be it enacted*, That this act shall be deemed and taken to be a public act as to all purposes of notice. *Provided*, that should any of the companies herein before enumerated, have *bona fide*, and before the passage of this act, purchased or otherwise contracted for, upon their own credit, the necessary iron, rails, spikes, equipments, &c., for their road or roads, or any section or sections thereof, the bonds of the State shall be issued to such company or companies, as hereinbefore prescribed. *Provided further*, that no company shall receive more than the amount per mile, hereinbefore prescribed.

Governor to appoint agent.

Conditional provisions for certain roads.

*And provided*, That the provisions of this act shall only extend to one of the lines of rail road proposed to be constructed by the Nashville and North Western Railroad Company, and the Nashville and Memphis Railroad Company, between Nashville and the Tennessee river, and the company first obtaining *bona fide* subscriptions, as provided in the first section of this act, made known to the Governor as therein prescribed, shall be entitled to the provisions of this act for the whole distance from Nashville to its terminus on the Mississippi river, and may cross the Tennessee river at any point between Ross' Ferry and a point one mile below White Oak Island. And the other company shall have power to connect their road with the one thus entitling itself to the provisions of this act for its whole distance, at any point they may select, and shall only be entitled to the provisions of this act from the point of connection to its terminus on the Mississippi river, *Provided also*, That if the Louisville and Nashville Railroad Company locate their road through Sumner county, by way of Gallatin, then the provisions of this act shall not extend to or embrace the Nashville and Cincinnati Railroad Company, and the charter granted to said last named company shall, in that event, be void. But should said road not be so located, and both companies desire to run their roads to Nashville, then the provisions of this act shall extend to the company first obtaining *bona fide* subscriptions, as provided in the first section of this act, made known to the Governor as therein prescribed, and the other company shall unite their road to the one so provided for, at some suitable point, at least ten miles north of Nashville, and the provisions of this act shall extend to said road only from the point of connection to the Kentucky state line. *Provided further*, That the bonds of the State shall not issue to the Louisville and Nashville Railroad Company, or to the Nashville and Cincinnati Railroad Company, as provided in this act, unless one of said companies shall agree to locate and extend its road across Cumberland river, at or convenient to Nashville or South Nashville, within ten years from the date of the passage of this act.

Cross and junction roads.

SEC. 16. *Be it enacted*, That the Railroad companies specified in this act and all other railroad companies hereafter incorporated in this State, shall have power to construct their roads so as to cross each other if necessary, by the main trunks or branches, or to unite with each other, or with the branches thereof; and it shall be the duty of said companies, when required, to

receive on their roads and branches, the full loaded freight cars from each other and the branches thereof, and transport the same to their destination, and return them, without charging for the transportation of the goods, wares, merchandise and produce therein, any greater rate of freight than they charge for similar goods, wares, merchandise and produce in their own cars. *Provided*, That said companies shall not be compelled to receive such cars on their roads, unless they are constructed with the same guage, and are of equal strength with their own cars, of which the principal engineer on the road of which it is proposed to require said cars to be transported shall be the judge. *Provided*, That the bonds of the State, proposed to be issued to the Memphis and Charleston Railroad Company under the provisions of this act, shall, in the event of their issuance to said company, be divided between the main trunk line, proposed to be constructed by said company, and the branch thereof, from the town of Moscow to the town of Sommerville, in the county of Fayette, according to the respective lengths of said main trunk line and said branch; and the lien of the State, as herein secured, shall continue upon said main line, and also upon said branch, until said bonds and interest are paid, as heretofore provided.

Bonds to be divided.

SEC. 17. *Be it enacted*, That in all cases where bonds may be issued to any of said companies, as provided in this act, the State of Tennessee shall be entitled to two directors in each company, to be appointed by the Governor of the State, to which bonds may be issued.

State directors

SEC. 18. *Be it enacted*, That when the Nashville and Chattanooga Railroad Company shall have completed twenty-five miles of their road, in addition to the eighty miles specified in the second section of the act, passed the 4th of February, 1848, chapter 169, then the Governor of the State shall endorse and guarantee, in the name and on behalf of the State of Tennessee, the bonds of said company to the amount of one hundred and seventy-five thousand dollars, and in like manner, when another section of twenty-five miles of said road shall have been completed, the Governor of the State, in the name and on behalf of the State, shall endorse and guarantee the bonds of said company to the additional amount of one hundred and seventy-five thousand dollars, and said bonds are to be endorsed and guaranteed in the same manner, and the same indemnity is to be furnished by said company for the protection of the State, and the like lien is to be given, and the same character of bonds are to be endorsed and

Nashville and Chattanooga rail road.

guaranteed, as provided in the said act of the 4th of February, 1848.

**Nashville and Southern Railroad Co. and Tennessee and Alabama Railroad Company.** SEC. 19. *Be it enacted*, That the aid contemplated by the first section of this act, shall only be extended to one of the roads chartered under the names of the Nashville and Southern Railroad Company, and the Tennessee and Alabama Railroad Company. *Provided*, That the first one of said roads which shall secure the subscription of the capital stock, for the construction of the same, shall be entitled to such aid. *Provided further*, That if the Nashville and Southern Railroad Company first obtain the stock in their railroad, as provided in the first section of this act, and shall construct their road to the Tennessee river, to the Mississippi State line, or to a point between the Tennessee river and the Mississippi State line, then the Tennessee and Alabama Railroad Company may construct their road from the Alabama State line to intersect with the Nashville and Southern Railroad, at such point as said company may select, and the provisions of this act shall extend to the Tennessee and Alabama Railroad from the Alabama State line to said point of intersection. But if the Tennessee and Alabama Railroad Company first obtain the stock in their railroad, as provided in the first section of this act, and construct their road to the Alabama line in the direction of Florence, then the Nashville and Southern Railroad Company may construct their railroad from the Tennessee river, the Mississippi State line, or any point between the Tennessee river and the Mississippi State line, so as to intersect the Tennessee and Alabama Railroad, at such point as the company may select, and the provisions of this act shall extend to said railroad from said point of intersection, to the Tennessee river, the Mississippi State line, or to any point between the Tennessee river and the Mississippi State line. And the Nashville and Southern Railroad Company, and the Tennessee and Alabama Railroad Company shall have power to unite or consolidate their stock if they deem it advisable, and upon such terms as the companies may agree upon. *Provided also*, That if the Memphis and Nashville Railroad Company shall not comply with the requirements of this act, and complete thirty miles of their road, within four years; or if the Nashville and North-Western Railroad Company shall, in like manner, fail to complete thirty miles of their road within four years, then the Tennessee Central Railroad Company shall have all the rights, powers, privileges and benefits, intended to be given by this act, to those companies respectively, under the same

restrictions and limitations; but the said Tennessee Central Railroad Company shall be allowed two years longer time, in which to prepare thirty miles of their road-bed for the reception of the iron rails, and may then receive the aid of the State, in the issuance of bonds for their benefit, as prescribed in this act. *Provided*, That this provision shall not preclude any subsequent legislature from extending the time of four years, in which to complete any section of thirty miles of said Nashville and Memphis, or Nashville and North Western Railroad. That each of said companies is hereby authorized and required to appoint an agent or agents to whom the bonds shall be delivered, and whose duty it shall be to control said bonds, and see that they are exclusively applied to the payment of the railroad iron and equipments, as provided for in this act, and for no other purposes whatever. And the said agent before he receives the bonds of the State, shall give bond and security, to be approved by the Governor and payable to the State of Tennessee, for the application of the bonds or the proceeds thereof, to the purposes aforesaid. *Provided*, That before any bonds, under the provisions of this act, shall be issued to any agent of any railroad, contemplated by this act, the president of any such company shall first deposit in the office of the Secretary of State, a full, true and accurate list of all the stockholders, with the sums subscribed by each and every stockholder.

Tennessee Central Railroad Co.

List of stockholders to be filed.

Sec. 20. *Be it enacted*, That no road embraced in this act shall be entitled to State aid, unless it shall, within four years, complete at least one section of thirty miles, or the whole length of the road, if less than thirty miles long.

Four years to complete section

JORDAN STOKES,  
*Speaker of the House of Representatives.*  
M. R. HILL,  
*Speaker of the Senate.*

Passed, February 11, 1852.

## CHAPTER CLII.

AN ACT to regulate the course of practice of the Courts of Law in this State.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the forms of writs, attachments and other process, and the forms of actions in civil and penal suits in courts of law, and the proceedings therein, shall remain as heretofore, except as modified and altered by this act.

SEC. 2. *Be it enacted.* 1. That the action of ejectment may be brought as heretofore, subject to the provisions hereinafter contained.

2. The person actually occupying the premises shall be named defendant in the declaration. If they be not occupied, the action must be against some person exercising acts of ownership thereon, or claiming title thereto, or some interest therein, at the commencement of the suit.

If a lessee be made a defendant, at the suit of a party claiming against the title of his landlord, such landlord may appear and be made a defendant with or in the place of his lessee.

3. The action shall be commenced by summons and by the service of a declaration, in which the name of the real claimant shall be inserted as plaintiff, and all the provisions of law concerning a lessor of a plaintiff shall apply to such plaintiff.

4. It shall be sufficient for the plaintiff to aver in the declaration that on some day specified therein (which shall be after his title accrued,) he was possessed of the premises, claimed, and being so possessed thereof that the defendant, afterwards (on some day to be stated) entered into such premises, and that he unlawfully withholds from the plaintiff the possession thereof to his damage, such sum as the plaintiff shall state.

The premises claimed shall be described in the declaration with convenient certainty, so that from such description, possession thereof may be delivered. The plaintiff shall also state, whether he claims in fee or for his life or the life of another, or for years, specifying such lives, or the duration of such time, and when he claims an undivided share or interest, he shall state the same.

The declaration may contain several counts, and several parties may be named as plaintiffs jointly in one count, and separately in others.

The defendant may demur to the declaration or plead thereto.

But he shall plead the general issue only, which shall be that the defendant is not guilty of unlawfully withholding the premises claimed by the plaintiff in the declaration.

Upon such plea, the defendant may give the same matters in evidence, and the same proceedings shall be had as upon a plea of not guilty in the present action of ejectment, except as herein otherwise provided.

If the plea or demurrer is not filed within the time prescribed by law, judgment by default shall be entered against the defendant.

The consent rule, heretofore used, is abolished.

The plaintiff need not prove an actual entry on, or possession of the premises demanded, or receipt of any profits thereof, nor any lease, entry or ouster, except as hereinafter provided. But it shall be sufficient for him to show a right to the possession of the premises at the time of the commencement of the suit.

If the action be by one or more tenants in common or co-parceners, against their co-tenants, the plaintiff shall be bound to prove actual ouster, or some other act amounting to total denial of the plaintiff's right as co-tenant.

If the action be against several defendants, and a joint possession of all be proved, and the plaintiff be entitled to a verdict, it shall be against all, whether they plead separately or jointly.

If the action be against several defendants, and it appears on the trial that any of them occupy distinct parcels in severalty or jointly, and that other defendants possess other parcels, in severalty or jointly, the plaintiff may recover several judgments against them, for the parcels so held by one or more of the defendants, separately from the others.

The plaintiff may recover any specific, or any individual part or share of the premises, though it be less than he claimed in the declaration.

In a controversy affecting real estate, possession of part shall not be construed as possession of the whole, when an actual adverse possession can be proved.

#### VERDICT AND JUDGMENT.

If the jury be of opinion for the plaintiff or any of them, the verdict shall be for the plaintiffs, or such of them as appear to have right to the possession of the premises, or any part thereof, and against such of the defendants as were in possession thereof, or claimed title thereto at the commencement of the action.

Where any plaintiff appears to have no such right,

the verdict as to such plaintiff shall be for the defendant.

When the right of the plaintiff is proved to all the premises claimed, the verdict shall be for the premises as specified in the declaration; but if it be proved to only a part, the verdict shall specify such part, describing the same so that possession can be delivered, and a writ of possession be issued.

If the verdict be for an undivided share or interest in the premises claimed, or in a part of the premises, it shall specify such share or interest and describe the same with convenient certainty.

The verdict shall specify the estate of the plaintiff, whether it be in fee, for life, or for years, and specifying the duration of the term. And if the right of the plaintiff expire after the commencement of the suit, but before trial, the verdict shall be according to the facts, and judgment shall be entered for his damages, sustained from the withholding of the premises by the defendant, and as to the premises claimed, the judgment shall be that the defendant go thereof without day.

The judgment for the plaintiff shall be that he recover the possession of the premises, according to the verdict, or if the judgment be by default, or on demurrer, according to the description in the declaration.

After the verdict and judgment, an action may be brought for mesne profits as heretofore, and the party defendant can file a bill in equity for the value of his improvements, according to the principles established by courts of equity as heretofore.

Any such judgment in an action of ejectment, instituted after this act takes effect, shall be conclusive, as to the title or right of possession established in such action, upon the party against whom it is recovered, and against all persons claiming from, through or under such party, by title accruing after the commencement of such action, except as hereinafter mentioned.

If any person against whom such judgment is recovered, shall be, at the time of the judgment, an infant, married woman or insane, the judgment shall be no bar to an action commenced within three years after the removal of such disability.

The action shall not abate by the death of either party, but may be revived in favor of the heirs or devisees of the plaintiff, and against the heirs and terre-tenants of the deceased defendant.

**Sec. 3.** *Be it enacted*, That in an action of trover or detinue, it shall be sufficient to state in the declaration

a description of the property converted or detained, that it belonged to the plaintiff, that it was detained by the defendant or converted to his use.

SEC. 4. *Be it enacted*, That all motions in arrest of judgment, for matters of form in any of said civil suits, are hereby abolished. *Provided*, That after judgment rendered in any such action, any defects or imperfections in matters of form, found in the record of proceedings in such action, may be rectified and amended by the court in which the judgment is rendered, or the court to which it shall be removed by writ of error or appeal, if substantial justice requires it, and if the amendment is in affirmance of the judgment. Matters of form.

SEC. 5. *Be it enacted*, That all writs of error for matters of form in said suits, and all special demurrers are hereby abolished. Writs of error.

SEC. 6. *Be it enacted*, That no suit hereafter brought in any of said courts shall be dismissed by the court for want of the necessary parties, or on account of the form of the action, or for want of proper averments in the pleadings, but said courts shall have power to change the form of the action, or to strike out or insert in the writ and pleadings the names of either plaintiffs or defendants so as to have the proper parties before the court, or to supply the proper averments, upon such terms as to continuances as the said court in its sound discretion may see proper to impose. The courts of law shall have power to allow all amendments in any penal action, as well as in any civil process or suit, so as to authorize a change in the form of action, and the addition to or striking out the names of either party. Such amendments, if applied for at the appearance term, may be made without costs; if at any subsequent term, upon such conditions as the courts may prescribe, so as especially to prevent delay. Suits not dismissed for want of proper parties.

SEC. 7. *Be it enacted*, That hereafter it shall not be lawful for the supreme court of Tennessee to dismiss any suit for matters of form or for want of jurisdiction over the subject matter of the suit in the court from which the appeal may have been taken, except when a demurrer has been filed in the court below, upon the grounds of a want of jurisdiction in such court, and no judgment shall be reversed for any defect or imperfection in matters of form which might by law have been arrested. This section shall not apply to suits or cases where the party defendant was not served with process, and had no notice of the suit, and provided also that any defect in entering a verdict, where there are different issues, or the verdict is not responsive to the issues, Supreme Court.

must be made before judgment is entered, or the objection will be waived.

Demurre

SEC. 8. *Be it enacted*, That in all suits hereafter brought in any of the courts in this State, it shall be lawful for the parties to file and rely upon a general demurrer, as heretofore provided by law.

Courts may order suits transferred.

SEC. 9. *Be it enacted*, That when any suit shall hereafter be brought in any of said courts of common law, if the defendant fail to demur upon the ground that said court has no jurisdiction of the suit as a court of law, and the parties proceed to the trial thereof upon its merits before a jury, and should said court be of opinion that the parties to such suit are entitled to relief, either in a court of law or equity, said court shall have power to order said cause to be transferred to the court of chancery of the county or district, in order that the suit may be there proceeded in, by filing a bill and answers, according to the course in equity, or the court shall have power to hear and determine said suit upon the principles of equity; to order all proper accounts to be taken, to refer said accounts and the matters of fact in controversy, to the clerk of said court, or to a commissioner in the same manner and to the same extent that the chancery courts now have power to do. And said courts shall have power to make rules of practice not inconsistent with this and other statutes. This act shall not take effect until from and after the first day of September next.

JORDAN STOKES,  
*Speaker of the House of Representatives.*  
M. R. HILL,  
*Speaker of the Senate.*

Passed, February 21, 1852.

## CHAPTER CLIII.

AN ACT to authorize the renewal of certain bonds of the State of Tennessee.

WHEREAS, most of the bonds heretofore issued by the State of Tennessee, were issued without having coupons attached thereto, which subjects the holders to great inconvenience and the State to great expense in the payment of the interest thereon. For remedy whereof:

SECTION 1. *Be it enacted by the General Assembly of the*

*State of Tennessee,* That the Governor cause to be prepared a sufficient number of coupon bonds of the State of Tennessee of the denomination of \$1000 each, made payable to or order, of similar language, as nearly as practicable, and containing precisely the same obligations of the bonds which have been heretofore issued without coupons, except that the renewed bonds shall be made to fall due on the first day of January next succeeding the maturity of the old bonds, for which they are substituted, and that the coupons shall fall due on the first of January and first of July of each year, and which said bonds shall contain at their head, and on their face, in conspicuous letters, the words, "Renewed Bond."

SEC. 2. *Be it enacted,* That on application of any person, holding any bond or bonds heretofore issued by the State without coupons, and desiring to exchange said bond or bonds for a like amount in bonds prepared under the provisions of the first section of this act, then it shall be the duty of the Governor to sign the number of the renewed bonds applied for, and cause them to be counter-signed by the Secretary of State, and the great seal of the State to be thereto affixed, and the coupons thereto to be filled up and signed by the Comptroller, and upon the surrender of the bond or bonds, so desired to be exchanged, the Governor shall issue and deliver to the person so applying an equal amount in the renewed bonds, prepared as aforesaid. Governor to issue new bonds.

SEC. 3. *Be it enacted,* That the Governor shall cause each of the old bonds thus surrendered to be cancelled and to be filed away by the Secretary of State in his office. Old bonds cancelled.

SEC. 4. *Be it enacted,* That the Secretary of State shall take and preserve a receipt from the person receiving a renewed bond, which shall contain the number, date and time of the maturity of said bond, and also the number of the old bond in lieu of which it issued, and on each renewed bond he shall cause to be entered the number of the old bond in lieu of which it was issued. Secretary to take receipt.

SEC. 5. *Be it enacted,* That upon the presentation of any old bond in exchange for a renewed bond, it shall be the duty of the Comptroller to compute the interest due upon said old bond up to the first of January or first of July, as the case may be, immediately preceding the falling due of the first coupon on the renewed bond given in exchange for said old bond, and to issue his warrant to the Treasurer for the payment of said interest, and that for all the services performed by the Secretary of State, under the provisions of this act, he

**Free of officers.** be allowed one dollar for each renewed bond so issued, and that the same sum be allowed the Comptroller for his services, to be paid by the person applying for said bonds.

**Bond holders to pay for engraving.** SEC. 6. *Be it further enacted,* That the person receiving said renewed bonds, shall also pay the expense of engraving the same.

**Internal Imp. Co's. to pay for engraving.** SEC. 7. *Be it further enacted,* That the different internal improvement companies to whom the bonds of the State may be lent under the different acts of the present legislature, shall pay the expense of engraving and preparing the same.

**Bonds for Int. Imp. Co's.** SEC. 8. *Be it enacted,* That the Governor of the State shall cause to be engraved or printed, the bonds which may be issued under the acts of the present General Assembly as a loan to internal improvement companies, and the said bonds shall bear date on the first day of January, prior to their issuance, and the coupons thereto shall be payable on the first days of January and July, of each year.

**Free.** SEC. 9. *Be it enacted,* That the coupons shall be signed and numbered by the Comptroller, and the bonds shall be countersigned, sealed and numbered by the Secretary of State, and upon delivering said bonds to the company authorized to receive the same, the Secretary of State shall take a receipt, reciting the number, date and amount of said bonds in a well bound book to be deposited in his office, and the Comptroller and Secretary of State shall each be entitled to receive twenty-five cents for each bond so prepared, to be paid by the party receiving said bonds.

**Lost bonds.** SEC. 10. *Be it enacted,* That when it is proved to the satisfaction of the Comptroller of the State, that coupons of interest, attached to State bonds, have been lost, and an affidavit to that effect has been or shall be made by the holder of the bond, and a bond of indemnity is executed to the State, the Comptroller is, and shall be authorized to issue his warrant for the payment of the amount of the interest due, and for which the coupons issued, which payment is to be made to the bona fide holder of the bond of the State.

JORDAN STOKES,

*Speaker of the House of Representatives.*

M. R. HILL,

*Speaker of the Senate.*

Passed, February 21, 1852.

## CHAPTER OLIV.

AN ACT to prevent imposition upon travelers by turnpike owners and gate keepers.

*Be it enacted by the General Assembly of the State of Tennessee,* That if any grantee or owner or owners of a turnpike or toll bridge, or any keeper of a gate on any turnpike or toll bridge, or any other person whatever, acting as agent for such grantee or owner or owners, shall demand or receive any toll, or shall close any gate, or put any other obstruction on any such turnpike, road or toll bridge, for and during the time that said gate is required to be kept open by the commissioners appointed to superintend said turnpike or toll bridge, the charter for said turnpike or toll bridge shall be deemed forfeited, and upon conviction thereof, under indictment for said obstruction; according to the laws now in force, in lieu of the penalty of fine and imprisonment now affixed, the rights and privileges enjoyed under such charter, shall cease from the date of said conviction, and said turnpike or toll bridge shall be thereafter wholly under the control and management of the county court or courts of such county or counties in which the same may be located, each county court having the control of that part of said turnpike or toll bridge, which may be located in its own county.

JORDAN STOKES,

*Speaker of the House of Representatives.*

M. R. HILL,

*Speaker of the Senate.*

Passed, February 21, 1852.

## CHAPTER CLV.

AN ACT to create the Hospital of the State of Tennessee.

*SECTION 1. Be it enacted by the General Assembly of the State of Tennessee,* That two acres of the grounds, including the buildings at present occupied and used as a lunatic asylum, be, and the same are hereby conveyed to the mayor and aldermen of the city of Nashville, and their successors in office, for six years, to be held in trust, and used for the purposes of a State Hospital for the accommodation, lodging and attention of sick patients, to be known by the name of the Hospital of the State of Tennessee.

*Conveyed to  
Mayor and Aldermen  
of Nashville.*

**SEC. 2.** *Be it enacted,* That it shall be the duty of the said mayor and aldermen, so soon as the same is surrendered to them, and can be made ready for use, to furnish the said buildings properly, appoint a good Physician, with a competent salary therefor, provide sufficient assistants, and nurses, and place the same in a comfortable condition for the comfort and cure of the sick.

**SEC. 3.** *Be it enacted,* That it shall be the duty of the said mayor and aldermen to furnish accommodation in said hospital, free of charge, for all sick paupers from any portion of the State, who may be accidentally sick at Nashville, as well as those who may be residents of the city, and said hospital shall at all times be subject to visitation and examination by the legislature.

**SEC. 4.** *Be it enacted,* That the said mayor and aldermen shall be authorized to enact and enforce all such rules and regulations as may be proper or necessary for the regulation or government of said hospital, and they may cause all persons within the limits of the corporation, who may be seized with infectious disorders, to be removed immediately to the hospital, there to be retained and superintended.

**SEC. 5.** *Be it enacted,* That the professors and students in the "Medical Department of the University of Nashville," shall have free access to the hospital, under proper regulations for that purpose.

**SEC. 6.** *Be it enacted,* That the trustees of the "Hospital for the Insane in Tennessee," shall, so soon as the insane patients may be removed from the old to the new asylum, deliver the former, as described in the first section, to the mayor and aldermen of the city of Nashville, who shall accept the conveyance on the terms herein contained, within thirty days, or otherwise this grant shall be null and void. *Provided,* That should the said mayor and aldermen of the city of Nashville fail or refuse at any time to carry out the provisions of this act in good faith, the legislature may at any time dispose of said property as it pleases.

**SEC. 7.** *Be it further enacted,* That the trustees of said hospital shall make biennial reports to the legislature, setting forth the condition of the institution, the number and nature of cases received within its walls, and the results of treatment.

JORDAN STOKES,

*Speaker of the House of Representatives.*

M. R. HILL,

*Speaker of the Senate.*

Passed, February 16, 1852.

# CHAPTER OLVI.

AN ACT to incorporate the United Firemen's Insurance Company of Nashville.

WHEREAS, The members of the several fire companies of Nashville, taking into consideration their relative situation with regard to society in general, the motives which induced them to establish and become members of these associations, and the beneficial effects resulting therefrom, and to enable them more effectually to perform the duties imposed on them as members of fire companies, have formed themselves into an association, under the name of the United Fireman's Insurance Company of Nashville. Therefore:

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That John W. Martin, William W. Finn and John Coltart, of Nashville Fire Company No. 1; William Stockell; B. R. Cutter and John A. Fisher, of Broad Street Fire Company No. 2; John S. Dashiell, Geo. T. Thompson and Geo. D. Crockett, of Deluge Fire Company No. 3; William D. Dorris, Jesse D. March, and James W. McCombs, of Capitol Hill Fire Company No. 4, and the subscribers to the stock of the association and their successors, shall be, and they are hereby declared to be a body politic and corporate, by the name and style of the "United Firemen's Insurance Company of Nashville," and by that name shall so continue until the first day of May, eighteen hundred and eighty-two, and be capable in law to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended, in all courts of law or equity or elsewhere, and to make and use a common seal, and the same to alter or renew at their pleasure, and generally to do and perform all things relative to the objects of this institution, which now is or shall be lawful for any individual or body politic or corporate to do.

SEC. 2. *And be it enacted*, That the capital stock of this company, shall consist of a sum not exceeding one hundred thousand dollars, divided into five thousand shares, at twenty dollars each, two dollars shall be paid on each share at the time of subscribing: four months after such subscription and payment, a further sum of two dollars shall be paid on each share of stock, and notes payable on demand with security to be approved by the President and Directors for the time being, shall be given for the remaining sixteen dollars. The said notes shall be renewed whenever the Directors

may consider it proper, and any stockholder neglecting or refusing to renew his note, or neglecting or refusing to pay an installment when required by the Directors, shall forfeit all his interest in this company, and be held liable for his proportion of any loss which may have accrued previous to such neglect or refusal.

Forfeitures remitted.

SEC. 3. *And be it enacted*, That should any forfeiture occur, it may be remitted by a majority of the whole board of directors present at the meeting at which the motion for such remission shall be made, upon the payment by the person incurring a forfeiture, of the principal of said installment, and the interest thereon, up to the time of such payment, as also of his proportion of such loss as may have accrued previous to such forfeiture.

Residue of stock — when to be paid.

SEC. 4. *And be it enacted*, That the President and Directors shall not call on the stockholders for any part of the remaining sixteen dollars per share, secured to be paid as above mentioned, unless the exigencies of the company shall require it, and then, only in such proportions as the said stockholders are severally interested, taking care always to give sixty days notice thereof in the daily papers in the city of Nashville.

SEC. 5. *And be it enacted*, That so soon as one thousand shares are subscribed for and paid or secured to be paid, the company shall be competent to transact all kinds of business for which it is established.

Companies may subscribe.

SEC. 6. *And be it enacted*, That each Fire Company in the city of Nashville, shall be entitled to subscribe by itself for its own use, in its corporate capacity or by means of trustees, for the use of said company, or the members of a company may in their individual capacity, for the use of themselves or the company or companies to which they belong, subscribe for an amount of stock not to exceed in the whole Five Hundred shares for each company. Each company shall open books of subscription for the same, on the 10th day of March, 1852, and shall deliver the said books and the money paid on the subscription to the board of directors, so soon as they shall be appointed and prepared to receive the same.

Failure of Companies to subscribe.

SEC. 7. *And be it enacted*, That if any Fire Company, together with its members, shall not subscribe for the number of three hundred shares allotted to them, within the space of three years from the time the books may be opened for subscription, the residue of shares between the amount of their subscription and the said three hundred shares, may be subscribed for and taken by the other fire companies or the members thereof, in

equal proportions to each company, or in such manner as the Directors may determine.

Sec. 8. *And be it enacted*, That no person other than a member of a fire company, shall be entitled to purchase or hold any part of the capital or joint stock of this company; and the share or shares of a stockholder ceasing to be a member of a fire company, shall be purchased at their actual value by the company to which the said stockholder belonged, or by the members thereof for their own use, or for the benefit of the said company, or by the board of directors of this association, and may be disposed of by them for its benefit. Upon the decease of a stockholder, his share or shares shall become extinct; his stock notes shall be cancelled, and the actual value of such share or shares at the time of his decease, together with all profits due thereon to him, shall be paid within six months after such extinction, to his heirs, executors, administrators or assigns, and the Directors shall have power to create and dispose of shares equal to the number extinguished by the death of the said stockholder.

None but firemen  
to be shareholders.

Sec. 9. *And be it enacted*, That transfers of stock may be made by any stockholder to the company, or to a member or members of the fire company to which he or they may belong, or to any other fire company, or any member or members thereof, but no transfer shall be valid which is made to any other than a member or members of a fire company.

Transfers of  
stock.

Sec. 10. *And be it enacted*, That every member of any of the companies belonging to the association, shall be entitled to effect Insurances at a discount of five per cent. less than other persons, upon producing to the satisfaction of the Directors, a certificate of his right of membership; and all the companies associated or who may hereafter associate under this act, within the city of Nashville, shall be entitled to an equal participation in all the benefits and advantages of the institution, in proportion to the amount of stock held by such company.

Members may  
effect insurance  
at a discount.

Sec. 11. *And be it enacted*, That the affairs of this company shall be managed by a President and board of Directors, (to be chosen as follows,) all of whom shall be stockholders; who, previous to entering on the duties of their respective offices, shall take the following oath or affirmation: "I A. B., do swear (or affirm as the case may be) that I will faithfully, diligently, impartially and honestly fulfil the duties of my office of to the best of my knowledge and ability."

Mode of choosing  
Directors.

Each fire company holding, together with the members

thereof, thirty-five shares of stock, and not more than one hundred, shall be entitled to elect one Director; any fire company holding together with the members thereof, more than one hundred shares, shall be entitled to elect two Directors; any company together with members composing it, holding less than thirty-five shares of stock, shall not be entitled to the election of a Director; and should it so happen that the number of shares of stock possessed by any one company together with the members composing it, shall become less than thirty-five, then and in that case, the said company shall not be entitled to the election of a Director, until the amount of shares held thereby be increased to the said number of thirty-five.

**SEC. 12.** *And be it enacted,* That no Director of any other Insurance Company, shall be allowed to be a Director of this; and should any Director of this company be elected a Director of any other Insurance company, his acceptance of that appointment shall *Ipso facto* disqualify him from continuing a Director of this company, and the company from which such Director shall have been delegated, shall proceed to fill up the vacancy as is hereinafter provided.

Scale of voting.

Election of President.

**SEC. 13.** *And be it enacted,* That the respective companies composing this association, who may be entitled to the election of one or more Directors, shall hold separate meetings for the first election of Directors within two weeks after the aforesaid amount of one thousand shares of stock shall be subscribed for; and on the first Monday in May, in each and every year thereafter, and choose by ballot from among their members the number of Directors to which they are entitled; and each stockholder shall have one vote for each share of stock, not exceeding five shares: one vote for every five shares over five, and not exceeding fifty shares; one vote for every ten shares, not exceeding fifty shares; but no person or body corporate shall have in any instance more than twenty votes. The Directors so chosen, shall serve until the first Monday in May, and until others shall be chosen, and no longer. At their first meeting after every election, they shall choose by ballot a President, either from among their own body, or from amongst the other stockholders; and in case of the death or disqualification of the President, the Directors shall fill up the vacancy by ballot. The said Directors shall produce (before they enter on the duties herein assigned them) a certificate signed by the President and Secretary of the respective fire companies, of the appointment of such person as Director. In case of a

Director being chosen President, the place of such Director for the remainder of the year shall be filled up by the company from which such Director was delegated, from among the stockholders of the fire company to which the Director so elected belonged.

SEC. 14. *And be it enacted*, That in case of the death, resignation or disqualification of a Director, the place of such Director, for the remainder of the year, shall be filled up by the company from which such Director was delegated, from the fire company by whom he was elected. Vacancy in  
Director,

SEC. 15. *And be it enacted*, That the said United Firemen's Insurance Company shall have full power and authority to make Insurance upon sea vessels and upon steam boats and other river crafts; upon freight, goods, wares and merchandise, against all maritime risks, or risks of the rivers, and upon houses, stores and other buildings against fire, and to fix a premium thereon, and generally to transact and perform all business relative to the objects aforesaid, and also to invest the capital and funds of the company, from time to time, in the public funds of the United States, or in any other stocks, and to dispose of the money and property of the company in such manner (not being contrary to law) as to them shall appear most advantageous to the company. Power of insur.

SEC. 16. *And be it enacted*, That the President and Directors shall declare dividends of the profits of the corporation, or as much thereof as to them shall appear advisable; and in case of any loss or losses, whereby the capital stock of the company shall be lessened, no subsequent dividend shall be made until a sum equal to such diminution, and arising from the profits of the company, shall have been added to the capital. Dividends.

SEC. 17. *And be it enacted*, That the said company shall have power, and they are hereby authorized, to retain and set apart out of the profits of said company, from time to time, as may be thought advisable and necessary, to constitute a fund for the special benefit of such members of the several fire companies belonging to this association, as may become injured or disabled in the discharge of their duty at any fire or otherwise. May set apart  
profits for dis-  
abled firemen.

SEC. 18. *And be it enacted*, That in case of a partial loss by fire or otherwise, the loss shall be determined by assessors, appointed as follows: The person whose property is insured, shall have the privilege of selecting one disinterested person, the board of Directors shall select another, should these two persons disagree Damages—how  
assessed.

in their valuation of a loss, they shall select another disinterested person, and their award shall be final.

Secretary.

By-Laws.

SEC. 19. *And be it enacted*, That the board of Directors shall have power and authority to appoint a Secretary, and such other officers under them as shall be necessary for transacting the business of said company; and may allow them such salary as they may judge reasonable; to ordain and establish such by-laws, ordinances and regulations, as shall appeal to them necessary for regulating and conducting the concerns of said institution, not being contrary to, or inconsistent with this act, the constitution and laws of this State, or of the United States; they shall keep full, fair and correct entries of their transactions, which shall be at all times open to the inspection of the stockholders; they shall have power to hire or purchase a suitable building or buildings, in the city of Nashville, for the purpose of transacting the affairs of the company, and generally to conduct the entire business thereof.

No individual liability.

SEC. 20. *And be it enacted*, That no stockholder or member of this company, shall be answerable in his person or individual property for any contract or agreement of said company, or for any losses, deficiencies or failures of the capital stock of this company, but the whole of the said capital stock, together with all property, rights and credits belonging thereto, and nothing more, shall at any time be answerable for the demands against said company.

SEC. 21. *And be it enacted*, That the Mayor and City Council of the city of Nashville, shall have the privilege of subscribing for any number of shares of stock in this association, not exceeding five hundred. *Provided*, The subscription be made within twelve months after this company shall commence business.

General Meeting.

SEC. 22. *And be it enacted*, That the President and Directors may call a general meeting of the stockholders for any purpose relative to the affairs of the company, giving at least two weeks notice thereof in the daily newspapers of the city of Nashville; and any number of stockholders not less than fifty, who together shall be proprietors of three hundred shares, may at any time apply to the President and Directors to call a general meeting of the stockholders for any purpose relative to the affairs of the company; and if the President and Directors refuse to call such meeting, the said number of stockholders, proprietors of not less than three hundred shares, shall have power to call a general meeting of the stockholders, giving at least two weeks notice in the said newspapers printed in the

city of Nashville, specifying in such notice the object of the meeting.

SEC. 23. *And be it enacted,* That should it so happen from any cause whatever, that the annual election of Directors should not take place in any year on the day herein before mentioned for that purpose, this corporation shall not for that reason be dissolved, but such election may be lawfully held on such convenient day thereafter as may for that purpose be fixed on by the President and Directors, they causing ten days public notice thereof to be given in one or more of the newspapers printed in the city of Nashville. Election of Directors.

SEC. 24. *And be it enacted,* That the Directors of the said company, or a majority of them, when met as a board, with or without the President, shall have power and they are hereby authorized to provide for allowing to persons ceasing to be members of fire companies, at least thirty days to dispose of, and transfer any share or shares of stock which they shall hold or be entitled to, retaining their responsibility, and that of their sureties on their stock notes, until they shall be actually divested of their stock by transfer or otherwise; to provide for the purchase, sale or other disposition and transfer of all shares of stock belonging to any person who shall cease to be a member of a fire company, and omit for thirty days to dispose of, and transfer the same to some person or company, entitled under the charter to hold the same; to provide for suspending the payment of profits and dividends to any stockholder ceasing to be a member of a fire company; to provide for allowing to the executors or administrators of deceased stockholders, at least thirty days to dispose of and transfer any stock which shall have been held by such stockholder at the time of his death, before such stock shall become extinct retaining the responsibility of the stock notes until such transfer or extinction shall take place; to provide for ascertaining the actual value of all shares of stock held by persons ceasing to be members of a fire company, and all shares of stock which shall become extinct by the death of a stockholder; to provide for compensating persons ceasing to be stockholders, whose stock by virtue of the charter, shall be vested in this corporation, or be disposed of by virtue of the above provision, and the representatives of deceased members whose stock shall become extinct; to provide for the sale or other disposition and transfer of all shares of stock which shall be forfeited to, vested in or held by this corporation; to provide that transfers of the capital stock of this company shall only be made General Powers.

to fire companies, to persons in trust for fire companies or members of fire companies, within the city of Nashville or to this corporation, and to regulate the manner of making such transfers so as to make them valid and effectual; to provide for compensating the President of the company; to provide for vacating the seats of Directors, or any Director when the fire company which they or he shall represent shall cease to be entitled to elect such member as shall be in office or attending at the board; and to pass all such by-laws and make all such rules and regulations, and the same from time to time, to alter or amend, as shall be necessary, to the full exercise of the powers hereby granted and mentioned, and all other powers vested in the said Directors, or in the President and Directors of said company.

When members of other companies may become stockholders.

SEC. 25. *And be it enacted*, That the President and Directors of the said company, shall be and they are hereby authorized, to admit as a member of this company any fire company formed or to be formed in the city of Nashville, which a majority of the said Directors shall deem advisable, on being satisfied that such fire company applying for admission, and its members together, shall own the necessary number of shares of stock to entitle them under the provisions of the charter to elect a Director; and that such fire company is provided with such apparatus as will enable them to be useful in aiding to preserve property from destruction by fire. *Provided always*, That the capital stock of the said company shall not be increased, by subscription or otherwise, for the above or any other purpose beyond its present amount of five thousand shares, to which amount it is hereby limited during the continuance of the charter.

New fire companies.

SEC. 26. *And be it enacted*, That any fire company which shall be admitted a member of this company as herein provided, and the members of such fire company, shall be entitled to the same rights, benefits and privileges, and subject to the same conditions as if such fire company had been named in the original charter aforesaid; and the President and Directors aforesaid, may, and shall provide for securing to them such rights, benefits and privileges, on such terms and conditions as shall be consistent with the provisions of this act.

Profits—how appropriated.

SEC. 27. *And be it enacted*, That the President and Directors shall have power to appropriate such portions of the profits accruing to the company, to the reduction of the stock notes of the stockholders, as the board of Directors shall from time to time, deem advisable.

Sec. 28. *And be it enacted*, That the board of Directors shall have power at any time, when in their opinion the interest of the company requires it, to demand of any stockholder additional security for such part of his or her stock as may remain unpaid, and if such stockholder shall fail or refuse to give such additional security to the satisfaction of the board of Directors, they may declare such stock forfeited, and sell the same for the benefit of the company. Stockholders to give security.

Sec. 29. *And be it enacted*, That nothing herein contained, shall be so construed as to prevent the Legislature from granting similar powers and privileges to similar associations.

Sec. 30. *And be it enacted*, That the said company shall have power to insure any personal property not named in the foregoing act. May insure any personal property.

Sec. 31. *And be it enacted*, That all rights, privileges and exemptions granted by this act, which have not heretofore been granted to any of the insurance companies in this State which are now in operation, shall be and the same are hereby granted to them, and that they shall be subject to the same responsibilities, obligation and duties, so as to place all institutions of the same kind on the same footing. *Provided*, Creditors existing at the time this act takes effect, and before the stockholders in the several insurance companies have accepted this amendment, shall be in no way effected thereby. Other insurance companies.

JORDAN STOKES,

*Speaker of the House of Representatives.*

M. R. HILL,

*Speaker of the Senate.*

Passed, February 25, 1852.

## CHAPTER CLVII.

AN ACT to incorporate the Nashville Stone Dressing Company, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Peter W. Martin, John B. Johnson, A. V. Brown, W. H. Humphreys, Nathaniel Baxter and Samuel Watkins, are hereby created a body politic and corporate by the name of the "Nashville Stone Dressing Company," and they, their successors and assigns, are declared capable to purchase, re- Incorporation.

ceive, possess and hold lands and tenements, hereditaments, goods, chattels and effects of every description, and to sell, or otherwise dispose of the same, and shall have the power to make contracts, sue and be subject to suit, to elect such officers and agents to do all acts and execute writings, and make such laws, not incompatible with the laws of the State, as may be necessary and convenient for the management of said corporations and its affairs.

Capital Stock.

Sec. 2. The capital stock of said company shall consist of fifty shares of five hundred dollars each, which shall be paid in as the wants of said company may require, and the books of said company shall exhibit the amount paid in. The company shall have power with the written assent of all the members of the company entered on the books, to enlarge the capital stock to any sum not exceeding fifty thousand dollars, which the wants of said company may require.

Transfer of stock.

Sec. 3. The stock of said company shall be transferable by the signature of the corporator transferring it on the books of the company, but not without the assent of all the other corporators on the books of the company; if any corporator alienate his stock without the assent of the other corporators, it shall work a forfeiture of such stock to the company.

May attach other factories.

Sec. 4. The said company shall not acquire or hold more real estate than may be necessary or convenient for the successful management of the business, or such as may be required in the payment of debts, or by way of security therefor, or may be purchased at its execution sales, nor shall said company engage in the business of banking, but shall have the power to attach to their manufactory of stone, the manufacture of such other articles as may be conveniently and profitably connected therewith.

Surrender of charter.

Sec. 5. The said corporation shall expire at the end of twenty years, but the corporators may at any period surrender the charter to the State by a unanimous vote, after the payment of all debts, the deed of surrender to be filed in the office of the Secretary of State, but upon the surrender of the charter, its expiration or forfeiture, its effects shall go to the corporators or assigns after the payment of all just debts.

Citico Marble Manufacturing Company.

Sec. 6. *Be it enacted*, That George W. Morgan, Hugh McElrath and Andrew Rodgers, and their associates, shall be and are hereby incorporated with a capital stock of one hundred thousand dollars, in shares of one hundred dollars each, for the manufacture of Marble in the county of Monroe, to be called the Citico

Marble manufacturing company, and the said company shall possess all the rights, immunities, powers and privileges, and be subject to all the restrictions, liabilities and responsibilities of the Nashville Stone Dressing Company.

JORDAN STOKES,  
*Speaker of the House of Representatives.*

M. R. HILL,  
*Speaker of the Senate.*

Passed, February 26, 1852.

## CHAPTER CLVIII.

AN ACT to provide for free indigent children of color, in this State.

*Be it enacted by the General Assembly of the State of Tennessee,* That it shall and may be lawful for the county court of any county in this State, when it shall satisfactorily appears that there are any free child or children of color in their county, who are in a destitute and suffering condition, and whose parent or parents are unable to furnish them a support, and when it shall satisfactorily appear, that it would be for the advantage of such child or children to be bound out to some suitable person, the county court shall have the power to bind out such child or children, upon such terms and conditions as the court may deem expedient.

JORDAN STOKES,  
*Speaker of the House of Representatives.*

M. R. HILL,  
*Speaker of the Senate.*

Passed, February 16, 1852.

## CHAPTER CLIX.

AN ACT to amend an act passed January 10th, 1848, for the punishment of small offences, and to repeal part of the 4th section of an act passed January 2d, 1850.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That an act passed January 10th, 1848, for the punishment of small offences, be so amended, that hereafter it shall be lawful for any con-  
Constables to collect upon executions.

stable to collect the fine and cost upon any execution issued by any justice of the peace, as sheriffs are now allowed to collect, and that they shall hereafter give bond and security as is now required of sheriffs, and that the same fees shall be allowed as is now allowed to sheriffs, under the provisions of the above recited act.

Report at January term

Sec. 2. *Be it enacted*, That so much of an act passed February 2d, 1850, sec. 4, as requires the justices of the peace to report to the trustee on the last day of December, be and the same is hereby repealed. *Provided*, That hereafter the several justices of the peace, sheriffs and constables, shall make their reports to the January term of the county courts in each and every year, and that the aggregate of the same shall be entered on the minutes of the court at said January term, a copy of which shall be issued to the county trustee, and by him collected as other moneys, and the officers shall be liable under their respective bonds in the same way and manner, as officers are now bound for the payment of public monies.

Recognizance on appeal.

Sec. 3. *Be it further enacted*, That in all cases of misdemeanor, hereafter tried in any of the circuit courts of this State, when an appeal shall be taken to the supreme court by either the State or defendant, it shall be lawful, and it is hereby made the duty of the court before whom such cause may be tried, to take the recognizance of the defendant to appear before said court at its next term, after the decision of said cause by the supreme court, and answer, abide by, and perform the judgment of said supreme court.

Supreme Court Clerk.

Sec. 4. *Be it further enacted*, That it shall be the duty of the clerks of the supreme court, immediately after the decision of any such cause by said court, to make out and certify a copy of the judgment of such supreme court to the clerk of the circuit court, wherein said cause first originated.

Sec. 5. *Be it further enacted*, That said recognizance shall be taken under the same rules and restrictions, as recognizances are now taken in such cases for the appearance of defendants before the supreme court.

Sec. 6. *Be it further enacted*, That the third section of the act of 1817, chap. 179, which prescribes, that the owner of the house in which any billiard table may be kept, as well as the owner [of the billiard table] should be subject to the penalty of such act, be and the same is hereby repealed, and the owner of the house shall not hereafter be responsible for said penalty, unless at the time of the lease, and giving posses-

sion to the lessee, he, the owner, should have knowledge or information, that the house was to be leased for keeping a billiard table for use, in which case, the lessee [lessor] shall be responsible for the penalty prescribed in the second section of said act.

JORDAN STOKES,

*Speaker of the House of Representatives.*

M. R. HILL,

*Speaker of the Senate.*

Passed, February 24, 1852.

## CHAPTER CLX.

AN ACT to construe the laws of this State in relation to free persons of color.

*Be it enacted by the General Assembly of the State of Tennessee,* That an act passed on the 4th of February, 1842, shall not be so construed as to require persons of color, who were born free in the State of Tennessee, to give bond to keep the peace, and to be of good behavior towards all free white citizens of this State. *Provided however,* If any such free persons of color become disorderly in their conduct, then and in that case, it shall be the duty of the county court where such free person of color may reside, to cause him, her or them to be hired out not less than one nor more than five years, the proceeds of such hiring to be applied first to the payment of all cost incurred, and the balance to the treasury, and if such free persons of color shall refuse to work when hired, or should run off from his employer, then such free person shall be imprisoned at the discretion of the court. And if the persons required by the county court to give bond and security, shall fail and refuse, at the next court after being served with the order of the court to give the same, they shall be subject to all the penalties of the act of 1831.

JORDAN STOKES,

*Speaker of the House of Representatives.*

M. R. HILL,

*Speaker of the Senate.*

Passed, February 23, 1852.

## CHAPTER CLXI.

AN ACT to amend the law in relation to the taking of depositions.

*Be it enacted by the General Assembly of the State of Tennessee, That hereafter it shall not be necessary to procure an order of court, or to make any affidavit before the clerk, or to get any order from the clerk, previous to taking a deposition, but that either party litigant in any of the courts of this State, shall take depositions, upon giving legal notice to the opposing party, in all cases that by law they can be taken.*

JORDAN STOKES,

*Speaker of the House of Representatives.*

M. R. HILL,

*Speaker of the Senate.*

Passed, February 16, 1852.

## CHAPTER CLXII.

AN ACT to declare what fines and forfeitures shall be paid to the State and what to the County.

*Be it enacted by the General Assembly of the State of Tennessee, That all fines and forfeitures which may be recovered in any case, in which the defendant is indicted for felony, whether the defendant be convicted of the felony or of an offence less than felony, shall be paid to the State.*

JORDAN STOKES,

*Speaker of the House of Representatives.*

M. R. HILL,

*Speaker of the Senate.*

Passed, February 12, 1852.

## CHAPTER CLXIII.

AN ACT for the protection of Idiots, Lunatics, and other persons of unsound mind, and to prevent abuses of the Inquisition of Lunacy, &c.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That from and after the passage of this act, the chancery court shall have concurrent jurisdiction with the county court over the persons and estates of idiots, lunatics and other persons of unsound mind. Chancery courts jurisdiction.

SEC. 2. *Be it enacted*, That any person who will, may file a petition in the chancery court of the county or chancery district where the supposed idiot, lunatic or person of unsound mind resides, setting forth the facts and evidence upon which the petitioner expects to rely to establish the idiocy, lunacy or unsoundness of mind, together with the estate, real and personal, of the defendant, which petition shall be verified by the affidavit of the petitioner, and at least one other person, the latter named person or persons being unconnected with the defendant or petitioner, either by affinity or consanguinity, and upon presentation of said petition to either of the chancellors or common law judges of this State, if the facts and evidence set forth in said petition make it probable that the defendant is an idiot, lunatic or person of unsound mind, said chancellor or judge, as the case may be, shall issue a fiat to the clerk and master of the court where the petition is filed, requiring him, upon petitioner entering into bond and security, (in an amount to be fixed by the chancellor or judge,) payable to the defendant, conditioned for the prosecution of his petition with effect, or, upon failure, to pay all costs incident thereto, if the chancellor shall so decree, and with the further condition to pay and satisfy to the defendant all damages he may sustain in consequence of said petition having been wantonly and maliciously filed or prosecuted, to issue a writ to the sheriff of the county where the defendant resides, commanding him to summon a jury of twelve freeholders, to meet on a day and at a place to be designated by the sheriff, at or near the premises where the defendant resides, to enquire and ascertain by their verdict, whether the defendant be an idiot, a lunatic or person of unsound mind. Petition.

SEC. 3. *Be it enacted*, That the clerk and master shall cause the defendant to be served with a copy of the petition, and notice of the time and place of holding the inquest, at least ten days previous thereto. Jury trial.

SEC. 4. *Be it enacted*, That the clerk and master, or a Notice.

Clerk and Master to be present. deputy by him to be appointed, shall be present and preside over the deliberations of said jury and receive their verdict, and they shall hear the testimony of any and all witnesses that may be offered, either by the petitioner or defendant, and both parties shall have process of subpoena or attachment to be issued by the clerk and master to compel the attendance of witnesses.

Take testimony. SEC. 5. *Be it enacted*, That if the testimony of witnesses is offered, the clerk and master shall take or cause it to be taken down in writing, together with the examination of the defendant, if examined, and return the same, together with the verdict of the jury, into the chancery court.

Jury to determine value of estate and heir. SEC. 6. *Be it enacted*, That if the jury find the defendant to be an idiot, lunatic or person of unsound mind, they shall ascertain by their verdict the value of his estate, and of what it consists, and also who would be his heirs and next of kin, were he to die intestate.

Clerk to appoint guardian. SEC. 7. *Be it enacted*, That upon such finding by the jury, the clerk and master shall appoint a guardian to take care of the defendant and manage his estate until the next term of the chancery court, at which term the court shall appoint a regular guardian under the provisions of the law now in force upon that subject.

Motion to set aside. SEC. 8. *Be it enacted*, That either party may appear at the first term of the court after the return of the inquisition, and move the court to set it aside, when it shall be the duty of the court to hear the evidence, and the examination of the defendant, as taken down and returned by the clerk and master, together with such other affidavits as may be competent and proper, and the chancellor shall have power and discretion, upon such motion, to grant or refuse a new trial.

SEC. 9. *Be it enacted*, That upon the setting aside the verdict of the jury, the chancellor shall, at his discretion, order or refuse to order another inquest to be held.

JORDAN STOKES,

*Speaker of the House of Representatives.*

M. R. HILL,

*Speaker of the Senate.*

Passed, February 24, 1852.

## CHAPTER CLXIV.

AN ACT requiring Clerks of the different Courts to give additional bonds.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee.* That it shall be the duty of the different county and circuit court clerks, in this State, at the June term, 1852, of the several county courts, in this State, to enter into bond and sufficient surety, in the sum of ten thousand dollars, or such larger sum as the court may direct, payable to the State of Tennessee, to be approved of by said county courts as now directed by law in taking official bonds from clerks in this State, conditioned, that they will faithfully account for and pay over as the law directs, all moneys that have or may hereafter come into their hands as commissioners, by virtue of any order or decree made by their said courts to sell the real or personal property belonging to any *feme covert*, minor, or to the estate of any deceased person.

SEC. 2. *Be it further enacted,* That the different chancellors, in this State, shall at the first term of their chancery courts, held after the passage of this act, take bond with good and sufficient security, in the sum of ten thousand dollars, or such larger sum as the court may direct, payable to the State of Tennessee, conditioned as the bonds required in the first section of this act.

Chancery Clerks.

SEC. 3. *Be it further enacted,* That if any clerk in this State, shall fail or refuse to execute his bond, as required by the foregoing sections of this act, then, and in that case, the court whose clerk thus fails to give bond, as above stated, shall forthwith declare said clerk's office vacant, and shall forthwith proceed to fill said vacancy as now required by law in cases of vacancy.

Refusal to give bond vacates office.

SEC. 4. *Be it further enacted,* That, hereafter, when any court in this State, shall take the different bonds, as now required by law, from newly elected clerks, they shall, in addition to said bonds, take bond as prescribed in the foregoing sections of this act.

New Clerk.

SEC. 5. *Be it further enacted,* That this act shall take effect from its passage.

JORDAN STOKES,

*Speaker of the House of Representatives.*

M. R. HILL,

*Speaker of the Senate.*

Passed, February 27, 1852.

## CHAPTER CLXV.

AN ACT to amend an act, passed February 6th, 1850, and to increase the Common School Fund.

WHEREAS, an act, passed February the 6th, 1850, directed, that the balance of the funds in the treasury, amounting to eleven thousand seven hundred and three dollars and thirty-two cents, arising from sales of lands, south and west of the Congressional Reservation line, should be invested in bonds of the State, and the interest arising therefrom be distributed among the common schools of the State. And whereas, no person was by said act authorized to draw this money and make the investment, Therefore:

*Invest in bonds.*  
SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the comptroller issue his warrant in favor of the president of the Bank of Tennessee, for the above named sum, and the president is hereby directed to invest said funds in bonds of the State, and pay the interest semi-annually into the State Treasury, which shall be distributed as other school funds of the State.

*County Trustee*  
SEC. 2. *Be it enacted,* That hereafter it shall not be lawful for any county trustee, in this State, to pay over any school land moneys in his hands, except to the written order of the board of school commissioners, under the same restrictions as common school commissioners are under by an act, passed 30th December, 1843. And all monies which have been paid over by the county trustee, to any school land commissioners, unexpended by such school land commissioners, upon notice being given by the county trustee, shall be returned to the county treasury, to be drawn under the restrictions mentioned in this act.

JORDAN STOKES,

*Speaker of the House of Representatives.*

M. R. HILL,

*Speaker of the Senate.*

Passed, February 18, 1852.

## CHAPTER CLXVI.

AN ACT to amend the act to give the County Courts jurisdiction to provide for the partition and distribution of the estates of deceased persons, passed December 30th, 1849.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That hereafter it shall be the duty of each of the clerks of the several county courts in this State, if they desire so to do, at the April term of said courts, in each and every year, to enter into bond with three or more good and sufficient securities in a sum not less than ten thousand dollars, payable to the State of Tennessee, which said bond shall be conditioned for the faithful accounting for and paying over according to law, all moneys or sums of money which shall lawfully come into the possession of any such clerk by virtue of any sale or sales, either of real or personal property, under the order or decree of said county courts; and unless such security is given, the clerk shall not be appointed a commissioner to sell the lands or other property required to be sold by the decree. *Provided*, That it shall be lawful, as heretofore, in case any of said courts should at any time, deem it proper to appoint any other person than the clerk, commissioner, to sell property under a decree of said court, to require the person or persons so appointed, to give bond in such sum, and under such terms and conditions as are now prescribed by the existing laws in such cases.

Commissioner  
to give bond.

Sec. 2. *Be it enacted*, That all laws contrary to the provisions of this act, be, and the same are hereby repealed.

Sec. 3. *Be it enacted*, That the proceeds of real estate or of personal property, sold by order of the circuit, chancery or county courts, belonging to a married woman, shall not be paid to any person whatever, unless by consent of the married woman, after being privately examined by the judge, chancellor or one of the justices, and a memorandum of said private examination shall be entered upon record by the court, or unless a deed or power of attorney has been executed by husband and wife, and her private examination taken according to law, and the deed or power registered in the county where the land or other property was situated.

Sec. 4. *Be it enacted*, That the proceeds of the real or personal property of infants, sold under order of the courts, shall be paid only to a guardian, who, before he receives the money, shall give a good bond with security, for the faithful application of the proceeds of the

property according to law, satisfactory to the court or a judge thereof or chancellor, except in cases of foreign guardians, where security shall be given as now required by law.

SEC. 5. *Be it enacted*, That a motion may be made on the bonds of county court clerks, and of special commissioners, for judgments against them and their securities in all cases where motions can be made for judgments on bonds of clerks of circuit courts and courts of chancery.

JORDAN STOKES,

*Speaker of the House of Representatives.*

M. R. HILL,

*Speaker of the Senate.*

Passed, February 17, 1852.

## CHAPTER CLXVII.

AN ACT to make Clerks of the different Courts liable for failure to perform their duty, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That, hereafter, whenever any clerk of the chancery, circuit or county courts, in this State, whose duty it shall be, by virtue of his or their office, or appointment under the law to collect money, property or other effects, or to receive and pay over money, property or other effects, belonging to, or due any person, either as party to, witness, officer or otherwise, in any suit pending or determined in their respective courts, shall convert to his own use, or refuse to pay over, when demanded, any money due to any witness or party to any suit in the court wherein he is clerk, where the money is collected and paid into the office of said clerk, in any way whatever, or shall use by way of investment in any kind of property or merchandize, or shall loan, with or without interest, any portion or all of said monies, property or effects aforesaid, entrusted to him or them for safe keeping, disbursement, transfer or for any other purpose, without order of the court, such act shall be deemed and adjudged a conversion of so much of the said money, property or effects, as shall be thus taken, converted, invested, used or loaned, which is hereby declared to be a misdemeanor; and every such clerk, who shall be guilty of the

When guilty of  
misdemeanor.

same, shall be liable to indictment or presentment in the circuit court of the county where the offence was committed, or where such persons reside, and upon conviction, shall be punished as in other cases of misdemeanor.

SEC. 2. *Be it enacted*, That it shall be the duty of the Attorneys General, in this State, to enquire into the violation of the first section of this act in their respective districts, and to prosecute all violations of the same *ex officio*, and without the necessity of any prosecutor being required as in other cases of misdemeanor. *Provided*, That nothing contained in this act, shall apply to deposits made by clerks of the public money for safe keeping.

SEC. 3. *Be it enacted*, That the citizens of Perry county, be and they are hereby authorized to file bills in the chancery court at Waynesboro', if they wish to do so.

SEC. 4. *Be it further enacted*, That the time of holding the chancery court at Dresden, Tennessee, be changed from the third Mondays in February and August, to the fourth Mondays in May and November.

SEC. 5. *Be it enacted*, That after the next May term, of the circuit court, in the county of Campbell, in this State, that the terms of said court shall commence on the first Mondays in January, May and September; and the circuit courts, for the county of Claiborne, shall commence on the second Mondays in January, May and September.

JORDAN STOKES,  
Speaker of the House of Representatives.  
M. R. HILL,  
Speaker of the Senate.

Passed, February 26, 1852.

## CHAPTER CLXVIII.

AN ACT to amend the charter of the Tennessee Marine and Fire Insurance Company, passed 25th November, 1833

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the president and directors of said Tennessee Marine and Fire Insurance Company, shall have power and authority to reduce the capital stock of said company to the sum of one hundred and fifty thousand dollars, and the shares to be each fifty

dollars, instead of one hundred dollars, as now provided; and when the resolution of the president and directors is adopted by the stockholders, or a majority of them, at a called or regular meeting, the same shall become a part of the charter of said corporation.

SEC. 2. *Be it enacted*, That this amendment of the charter, when adopted by the stockholders, shall have no effect or operation upon any person or persons who have insured property at the office of said corporation or their agencies, or who are creditors of said corporation before the time when said amendment shall be adopted, but the corporation and stockholders shall, to such previous creditors or insured, be responsible as they were before the amendment was made.

Recomp.

SEC. 3. *Be it enacted*, That the bonus to be paid to the State, shall be the same amount as before the reduction of the capital.

Nashville Marine  
Fire Ins. & Life  
and Trust Co.

SEC. 4. *Be it enacted*, That the provisions of this act shall extend to and embrace the Nashville, Marine Fire Insurance and Life and Trust Company.

JORDAN STOKES,

*Speaker of the House of Representatives.*

M. R. HILL,

*Speaker of the Senate.*

Passed, February 26, 1852.

## CHAPTER CLXIX.

AN ACT providing for the safe keeping of Gunpowder, and for other purposes.

Mayor and Aldermen may authorize building of magazines.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the mayor and aldermen of the incorporated towns in this State, shall have the power to authorize the building of magazines for the deposit and safe keeping of gunpowder, at such distance from the limits of the corporation as may be deemed safe and prudent.

To record suitable places.

SEC. 2. *Be it enacted*, That it shall be the duty of the mayor and aldermen, or other corporate authorities, to make an order in writing upon the records of their corporation, designating and appointing suitable places, within their respective counties, for such gunpowder magazines, at which places it shall be lawful to deposit and keep gunpowder, and such corporate authorities shall and may adopt and prescribe such rules, regula-

tions and restrictions, in regard to the construction of said magazines, as may in their opinion best secure the community from danger.

Sec. 3. *Be it further enacted*, That an act heretofore passed, incorporating the inhabitants of Lawrenceburg, in the county of Lawrence, be so amended, as to extend all the rights, power and privileges conferred by an act of the General Assembly, incorporating the inhabitants of the town of Columbia, in the county of Maury.

JORDAN STOKES,  
*Speaker of the House of Representatives.*  
M. R. HILL,  
*Speaker of the Senate.*

Passed, February 24, 1852.

## CHAPTER CLXX.

AN ACT to authorize the formation of limited partnerships, and to amend an act, passed the 3d February, 1842, entitled "an act to encourage domestic manufactures."

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the first section of the said act of the 3d of February, 1842, be so amended as to read as follows: Limited partnerships for the transaction of any mercantile, mechanical or manufacturing business within this State, may be formed by two or more persons, upon the terms, with the rights and powers, and subject to the conditions and liabilities in this act prescribed; but the provisions of this law shall not be construed to authorize any such partnership for the purpose of banking or making insurance.

Sec. 2. *Be it enacted*, That the second section of said act, of February, 1842, be so amended as to read "one or more individuals, who shall be called general partners," instead of "two or more."

JORDAN STOKES,  
*Speaker of the House of Representatives.*  
M. R. HILL,  
*Speaker of the Senate.*

Passed, February 23, 1852.

## CHAPTER CLXXI.

AN ACT to authorize the County Courts to correct errors in tax lists, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That any person improperly charged with any levy or tax, either State or county, before he has paid the same, may make proof thereof to the court of the county in which the assessment was made, and the court may correct the same. A certificate of the fact by the clerk, if delivered to the collector of taxes, shall exonerate the person from the payment of so much as may be decided to be a wrongful assessment, which certificate, if produced, shall entitle the collector to a credit for the amount in his official settlement with the comptroller or county trustee.

Release of Revenue Collector.

SEC. 2. *Be it enacted*, That the county courts shall have power to release any revenue collector of the county, for State or county taxes at the April term of the court, for taxes of the preceding year, which have not been collected on account of insolvents, removals or improper taxation of property and polls; and the clerk's certificate for any credit so allowed shall be taken by the comptroller or county trustee in a settlement with the revenue collector.

SEC. 3. *Be it enacted*, That when any collector has paid the amount of revenue due the State, and subsequently obtains credit from the county court agreeably with the second section of this act, it shall be the duty of the comptroller to issue his warrant on the State treasurer in favor of the revenue collector for the amount of such credit.

SEC. 4. *Be it enacted*, That this act shall take effect from the date of its passage.

JORDAN STOKES,  
*Speaker of the House of Representatives.*

M. R. HILL,

*Speaker of the Senate.*

Passed, February 23, 1852.

## CHAPTER CLXXII.

AN ACT to authorize proceedings against corporations, whose franchises have been granted to other corporations, or are not used by the grantees.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That whenever powers, franchises and privileges have been granted to a corporation, and they are not used, or are granted to others in whole or in part, the said corporation shall not be dissolved unless all the corporate property has been appropriated to the payment of its debts, and it shall be lawful for any creditor of the corporation, whether he has obtained judgment or not, on behalf of himself and all the creditors who may agree thereto, to file a bill in chancery, and attach any property of said corporation, either real or personal, stocks, choses in action, and all effects whatever. And the court of chancery shall have power to appoint a receiver, take an account of the affairs of said corporation, and apply all the property and effects to the payment of the debts *pro rata*, and if any thing remains, to divide the same among stockholders as they may be entitled.

SEC. 2. *Be it enacted*, That this act shall take effect from its passage.

JORDAN STOKES,

*Speaker of the House of Representatives.*

M. R. HILL,

*Speaker of the Senate.*

Passed, February 26, 1852.

## CHAPTER CLXXIII.

AN ACT concerning arbitrations and amicable suits.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, as follows: Persons desiring to end any controversy, whether there be a suit pending therefor or not, may submit the same, in writing, to arbitration, and agree that said submission may be entered of record in any court of law or equity, and in cases within their jurisdiction before justices of the peace, upon proof such agreement out of court, or by consent of parties given in court, in person or by counsel, it shall be entered in the proceedings of such court or justice, and, thereupon, a rule shall be made, that the par-

ties shall submit to the award which shall be made in pursuance of such agreement.

Award not revocable.

SEC. 2. *Be it enacted*, That no such submission entered, or agreed to be entered of record in any court, or before any justice of the peace, shall be revocable by any party to such submission, without the leave of such court or justice, and such court may enlarge the term within which an award is required to be made.

Judgment on award.

SEC. 3. *Be it enacted*, That upon the return of such award and acceptance, by the court or justice, a judgment or decree shall be rendered thereon for the party in whose favor the award is made, to recover the sum awarded to be paid to him with costs, and execution shall be granted accordingly, if the party against whom the award is made shall neglect or refuse to perform the same.

Witnesses.

SEC. 4. *Be it enacted*, That when disputes shall be submitted to arbitration by act of the parties or rule of court, the necessary witnesses may be summoned and sworn, (and shall be responsible to the parties for refusing to attend as in trials at law,) or depositions may be taken as in cases at law or equity; and if witnesses are guilty of false swearing, they shall be liable to the penalties of perjury.

Agreed case.

SEC. 5. *Be it enacted*, That parties to a question in difference, which might be the subject of an action at law or equity, may without action or suit, agree upon a case containing the facts upon which the controversy depends, and present a submission of the same to the circuit or chancery court in the county in which either of the parties reside, or in which a suit might have been brought to determine such controversy. It must appear by affidavit of the parties or their respective attorneys, that the controversy is real and the proceeding in good faith, to determine the rights of the parties. The court shall, thereupon, hear and determine the case, and render a judgment or decree thereon, as if an action were pending.

No costs.

SEC. 6. *Be it enacted*, That judgments and decrees shall be entered as in other cases, but without including costs. The parties shall, before any such case shall be entered on the docket, pay the clerk's fees and tax to the State as on a trial.

Judgment and decree.

SEC. 7. *Be it enacted*, That judgments and decrees in such cases may be enforced in the same manner as if it had been rendered in an action, and no objection shall lie to the jurisdiction of the circuit or chancery court, whether the matter be of legal or equitable jurisdiction.

**Sec. 8.** *Be it enacted,* That if either party to such sub-<sup>Right of Appeal</sup> mission, as is authorized by the fifth section of this act, shall desire an appeal to revise any question of law or equity arising thereon, and decided by the circuit or chancery court, he shall have remedy by an appeal, in nature of a writ of error, to the supreme court, as in other cases from the circuit court, by giving security sufficient to pay the cost of the supreme court in such cases.

**Sec. 9.** *Be it enacted,* That all costs incurred in any <sup>Equal costs.</sup> such trial before the circuit or chancery court, or upon any appeal, in nature of a writ of error, shall be borne equally by the parties, plaintiff and defendant.

JORDAN STOKES,

*Speaker of the House of Representatives.*

M. R. HILL,

*Speaker of the Senate.*

Passed, February 24, 1852.

## CHAPTER CLXXIV.

AN ACT to amend the Criminal Laws of this State.

**SECTION 1.** *Be it enacted by the General Assembly of the* <sup>Punishy for slave</sup> *State of Tennessee,* That if any slave or free person of <sup>for free person of</sup> color, shall prepare, exhibit or be accessory to the ad-<sup>color administered</sup> ministering of any poison, potion or medicine whatsoever, with intent to kill any person or persons, he, she or they, so offending, shall be deemed guilty of a felony, and upon conviction, shall suffer death.

**Sec. 2.** *Be it enacted,* That if any slave or free person <sup>Rape.</sup> of color, shall be guilty of the crime of rape, upon the person of any white female child, under the age of ten years, he shall suffer death for such offence, upon conviction for the same.

**Sec. 3.** *Be it enacted,* That the 65th section of the <sup>Repeal.</sup> act of 1829, chapter 23, be, and the same is hereby repealed, and that from and after the passage of this act, the offences mentioned and defined in said section, of said act, shall be considered a misdemeanor, and upon conviction, shall be punished as other cases of misdemeanor, at the discretion of the court trying the same.

**Sec. 4.** *Be it enacted,* That the first section of the act of 1831, chapter 81, so far as relates to negroes and malefactors, and the fourth section of the act of 1833,

chapter 68, be, and the same are also repealed, and, hereafter, all persons guilty of the offences mentioned in said sections of said acts, except as herein provided, shall be held guilty of a misdemeanor only, and upon conviction, shall be punished as pointed out in the 4th section of this act.

**Judge may commute.**  
 Sec. 5. *Be it enacted*, That, hereafter, when any person may be convicted under the 25th section of the act of 1829, chapter 23, of the offence of petit larceny, it shall be at the discretion of the judge, trying the case, whether he will commute the punishment from confinement in the penitentiary of the State, to fine and imprisonment in the common jail of the county, or either.

**Buying spirituous liquors for no gross a misdemeanor.**  
 Sec. 6. *Be it enacted*, That it shall not be lawful for any person, directly or indirectly, to buy, for the use of any slave or free person of color, any spirituous, vinous, fermented or other intoxicating liquors, and every person being guilty of the same, shall be liable to indictment or presentment, and upon conviction, shall be punished as in other cases of misdemeanor, at the discretion of the court. *Provided*, No person shall be guilty of a violation of this section of this act, who shall have the permission of the master, mistress, or other person having the control of such slave, to buy for him, her or them.

**Application for license to take oath.**  
 Sec. 7. *Be it enacted*, That no clerk shall issue a license to retail spirituous liquors to any person applying for the same, unless, in addition to the oath prescribed by the third section of the act of 1846, chapter 90, the applicant shall swear or affirm, that he will not retail any spirituous, vinous, or other intoxicating liquors to any free person of color.

Sec. 8. *Be it enacted*, That the provisions of the thirteenth section of the act of 1846, chapter 90, shall be applicable to the offences created by the 7th and 8th sections of this act.

**Shall not play at any game with negroes on Sabbath.**  
 Sec. 9. *Be it enacted*, That no person shall play at cards, dice, billiards, or any other game with any slave or free person of color on the Sabbath day, whether any money or other valuable thing is staked or no, and every person or persons, who shall commit said offence, shall be subject to indictment or presentment, and upon conviction, shall be punished as pointed out in the 7th section of this act.

**Shall not give slave spirituous liquors.**  
 Sec. 10. *Be it enacted*, That it shall not be lawful for any grocer or retailer of spirituous or vinous liquors, to give to any slave or slaves, vinous or spirituous liquors, without the consent of the owner or owners,

or other person having the lawful control of such slave or slaves; such consent shall be in writing, and for each application he, she or they, so offending, shall be deemed guilty of a misdemeanor, and upon conviction for the first offence, shall pay five dollars, and for every repetition of said offence, shall be fined at the discretion of the court, and on said offender failing or refusing to pay or secure said fine, shall be imprisoned at the discretion of the court.

JORDAN STOKES,  
*Speaker of the House of Representatives.*  
 M. R. HILL,  
*Speaker of the Senate.*

Passed, February 28, 1852.

## CHAPTER CLXXV.

AN ACT to amend the Registry Laws of the State.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That in all cases where a deed or deeds conveying real estate, have been executed by any person or persons, purporting to act as attorney or attorneys in fact, which deed or deeds have been registered, whether with or without proper probate or acknowledgment, or any probate or acknowledgment at all, twenty years or more in the register's office of the county where the real estate is situate, or if the land lay within the Indian territory at the time of said conveyance, then, if registered in the register's office of any county in the State, it shall be presumed, until the contrary is shown, that said conveyance was properly made by the attorney or attorneys in fact, and such deed or deeds, or copies from the register's books, shall be deemed valid to pass the legal title to real estate in the same manner as if the same had been executed by the principal or principals. *Provided,* That nothing herein contained, shall affect the rights of creditors or purchasers, for valuable consideration, without notice.

SEC. 2. *Be it enacted,* That where a power or powers of attorney authorizing the sale or conveyance of real estate, have been registered, whether with or without proper probate or acknowledgment, or any probate or acknowledgment at all, twenty years or more in the register's office of the county where the real estate is

20 years registration conveyance presumed valid.

Power of attorney

situate, or if the land lay within the Indian territory, then, if registered in the register's office of any county in the State, such power or powers of attorney shall be deemed good and valid in law to pass the estate conveyed by the attorney or attorneys in fact. *Provided*, That nothing herein contained shall affect the rights of creditors or purchasers, for valuable consideration, without notice.

Misslocality in  
grant shall not  
vitiate.

SEC. 3. *Be it enacted*, That where a grant from the State for lands recites, that the lands so granted are situate in one county, when they are in a different county, the grant shall be as valid as if the locality thereof were truly recited in said grant; and any subsequent conveyances of said lands, in which they are stated to be situate in a different county from that in which they lie, may be registered in the county in which the lands lie, and such registration shall be as valid as if the deeds of conveyance had correctly set forth the locality of said lands. *Provided*, Nothing in this act shall affect the rights of creditors or purchasers without notice.

Deputy register.

SEC. 4. *Be it further enacted*, That the county registers of the several counties in this State, are hereby authorized to appoint each one deputy, and all deeds heretofore registered by deputies, are hereby declared to be good and sufficient registration.

JORDAN STOKES,

*Speaker of the House of Representatives.*

M. R. HILL,

*Speaker of the Senate.*

Passed, February 27, 1852.

## CHAPTER CLXXVI.

AN ACT for the relief of Securities of Revenue Collectors.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That where any sheriff or revenue collector has died within the last two years, and is liable for taxes, his securities are hereby authorized and empowered to collect any unpaid taxes, first giving bond and security, with usual conditions of revenue collector's bonds, and no security of any sheriff or revenue collector as aforesaid shall collect any taxes, without first giving bond and security, and any one or more of the securities may give the bond, and they may ap-

point a deputy for the purpose of collecting said taxes *Provided*, That when from sickness, or other physical cause, said sheriff or collector failed to make report to the county court to have his insolvencies allowed, that said securities may have two months from the passage of this act, to have credits for insolvencies, removals and improper taxes allowed, and provided no credits be allowed to said credits, that said sheriff or revenue collector was not entitled to by law if he had applied in proper time. *And provided*, That if said securities shall have paid over said taxes into the State or county treasury, that the same be refunded to said securities, after the credits shall be allowed upon the production of a copy of the record. *And Provided*, That this act shall not be construed to extend the time for paying over the revenue.

SEC. 2. *Be it enacted*, That all sheriffs and revenue collectors, who have gone out of office within the last two years, shall have two years from and after the passage of this act, to collect all arrearages of tax for which they may have accounted to the State or county, or become liable; and that said sheriffs or revenue collectors shall have as full power and authority as acting sheriffs and collectors, and that sales of real estate, so made by them for back taxes which remain due and unpaid, shall be valid, in as full and ample a manner as if made by the acting sheriffs and collectors. Two years to collect arrearages.

SEC. 3. *Be it enacted*, That the act of 1811, chap. 2, sec. 1, be so amended, that in all cases arising under said act, the courts therein mentioned shall have the power to release the defendant or the defendants, or either one of the defendants from the whole or any part of the penalty or forfeiture accruing to the county or State. *Provided*, If the said courts release one of the defendants, it shall only operate as a release to the other defendants for the proportionate part of the penalty or forfeiture that the defendant, so released, would have had to pay if he had not been released.

JORDAN STOKES,

*Speaker of the House of Representatives.*

M. R. HILL,

*Speaker of the Senate.*

Passed, February 24, 1852.

## CHAPTER. CLXXVII.

AN ACT to amend the 7th section of an act passed the 8th day of December, 1843, entitled "an act to amend and make uniform the Attachment Laws of this State, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the 7th section of an act passed on the 8th day of December, 1843, entitled "an act to amend and make uniform the Attachment Laws of this State," be so amended that justices of the peace shall have the same jurisdiction to issue attachments in case of a debtor or defendant who is removing, or about to remove himself or his property beyond the limits of this State, as they now have in cases of non-residents or absconding debtors. And if a warrant has been served upon a defendant, and affidavit is made, that the defendant is removing or about to remove himself or his property beyond the limits of the county where he has before resided, the justice of the peace shall be authorized to enter up judgment immediately after the return of the warrant and issue execution thereon forthwith. *Provided*, That the defendant shall have the right to appeal or to enter a stay within two days as now provided by law.

Appeal.

SEC. 2. *Be it enacted*, That justices of the peace in this State, shall have jurisdiction to issue attachments in favor of creditors, whether residents or non-residents of this State, against the property and effects of absconding, or removing non-resident debtors, returnable before a justice of the peace, if for an amount within his jurisdiction, if not, then to the circuit court of the county in which the attachment issued in the same manner that attachments now by law, issue against absconding and removing debtors.

Attachments.

JORDAN STOKES,

*Speaker of the House of Representatives.*

M. R. HILL,

*Speaker of the Senate.*

Passed, February 27, 1852.

## CHAPTER CLXXVIII.

AN ACT to prescribe the duties of the clerks and masters in this State, in certain cases.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That in all cases of sale of land and slaves by decree of any court of law or equity in this State, it shall be the duty of the clerk and master of said court, to make out and submit to said court a report in which he shall state and show the amount of said sale, the amount of interest collected and the time when the same was paid, the aggregate amount of the fund in his hand, the disbursements made and the time when, and the persons to whom said disbursements were made, and a full statement of the fees and allowances to said clerk, and to the other officers of the court.

Clerks to make out report.

SEC. 2. *Be it enacted*, That any person interested in said report, shall have the same right to except to said report as parties now have by law, and the rules and regulations of the chancery court in other cases of reports, and when exceptions are filed to any such report, and the same proceedings shall be had thereon, as in other cases of exceptions to reports of masters in chancery. The said report and the action of the court on the same, shall be embodied in a decree to be entered upon the minutes of the court, and the clerk and master shall be allowed no other fees or allowances than those specified and fixed by the said decree of the court, any party aggrieved by the action of said court, if it is the county, circuit or chancery courts, shall have the right of appeal to the supreme court as in other cases in equity, where suits criminal or civil, are against two or more defendants, and a subpoena for a witness issues upon the application of one or more, then it shall be the duty of the clerk to mark on the subpoena at whose instance the witness was summoned, and the court shall be authorized to enter a separate judgment against said defendant or defendants who had said witness summoned, for the cost of said witness or witnesses.

Right of Exception to report.

SEC. 3. *Be it further enacted*, That the chancery courts of the Middle Division be held at the following times, to wit:

Chancery Courts in Middle Division.

For the county of Wayne, on the first Mondays of February and August.

For the county of Lawrence, on the second Mondays in February and August.

For the county of Giles, on the third Mondays in February and August.

For the county of Marshall, on the fourth Mondays in February and August.

For the county of Hickman, on the first Mondays in March and September.

For the county of Humphreys, on the first Thursdays after the first Mondays in March and September.

For the county of Dickson, on the second Mondays in March and September.

For the county of Robertson, on the first Thursdays after the second Mondays in March and September.

For the county of Maury, on the third Mondays in March and September.

For the county of Williamson, on the first Mondays in April and October.

For the county of Stewart, on the third Mondays in April and October.

For the county of Montgomery, on the first Thursdays after the third Mondays in April and October.

For the county of Davidson, on the first Mondays in May and November.

**Rule Day.**

SEC. 4. *Be it enacted*, That the rule days in the chancery courts may be return days of all process in said courts, except in cases of original or final process, and subpoenas upon supplemental bills, and bills of revivor and amended bills, where subpoenas are necessary, may be issued returnable to any rule day.

**Chancery Court  
at Dresden.**

SEC. 5. *Be it further enacted*, That hereafter the chancery courts at Dresden, in Weakley county, shall be held on the fourth Mondays in May in November.

JORDAN STOKES,

*Speaker of the House of Representatives.*

M. R. HILL,

*Speaker of the Senate.*

Passed, February 25, 1852.

## CHAPTER CLXXIX.

AN ACT to amend the 2d section of an act passed the 28th January, 1850, chap. 20, on appeals.

*Be it enacted by the General Assembly of the State of Tennessee,* That the 2d section of an act, passed the 28th of January, 1850, chap. 20, be so amended, that if any county court in this State, shall refuse to allow the owner or owners of any runaway slave or slaves, which may have been sold under the provisions of the act of 1825, chap. 79, the proceeds of such sale, after the payment of all jail fees and other necessary expenses of such sale, when application shall have been made as provided by the section of the act which this is intended to amend, in that case, the party aggrieved by such refusal of the county court, may have his or her appeal to the next term of the circuit court, which may be held for the county in which said application was refused; which appeal shall be heard and determined by said circuit court in the same manner and under the same restrictions which govern appeals from the judgments of justices of the peace.

JORDAN STOKES,

*Speaker of the House of Representatives.*

M. R. HILL,

*Speaker of the Senate.*

Passed, February 25, 1852.

## CHAPTER CLXXX.

AN ACT to repeal so much of the act of 1723, chap. 10, sec. 2, as requires inventories and account of sales of estates of deceased persons to be sworn to in open court, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That so much of the act of 1723, chap. 10, sec. 2, as requires the inventories and accounts of sales of deceased person's estates, returned by executors and administrators, to be sworn to in open court, be and the same is hereby repealed; and that hereafter it shall be lawful for all such inventories and accounts of sales to be returned and sworn to before the clerks of the county courts, either in vacation or term time, and it shall be the duty of said clerks to present such inventories and accounts of sales to the coun-

ty court, in the same manner that they are now required to present settlements, and said court shall, if the said inventories and accounts of sales appear to be regular, order the same to be recorded as heretofore.

SEC. 2. *Be it enacted*, That a will shall be construed with reference to the real and personal estate comprised in it to speak and take effect as if it had been executed immediately before the death of the testator, and shall be construed to convey all the real estate belonging to him, or in which he had any interest at his disease, unless a contrary intention shall appear by the will.

SEC. 3. *Be it enacted*, That whenever a devisee or legatee shall die before the testator, or is dead at the making of the will, leaving issue who survives the testator, the issue of such legatee or devisee, shall take the estate devised or bequeathed as the devisee or legatee would have done if he had survived the testator, unless a different disposition thereof is made or required by the will.

SEC. 4. *Be it enacted*, That a married woman may by will, dispose of any estate secured to her separate use, by deed, or decree, or devise, or bequest, or in the execution of a special power to that effect. *Provided*, The will is in writing, subscribed thereto by herself, or by some other person in her presence and by her direction, and the subscription shall be made, or the will acknowledged by her, in the presence of at least two witnesses, who shall subscribe the will with their names in the presence of the testatrix.

JORDAN STOKES,

*Speaker of the House of Representatives.*

M. R. HILL,

*Speaker of the Senate.*

Passed, February 21, 1852.

## CHAPTER CLXXXI.

AN ACT to prevent delays in the trial of causes in the circuit and chancery courts in this State.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That in all cases where a special judge may have been heretofore or may be hereafter appointed, to hold either the circuit or chancery courts in this State, that the special judge or chancellor so appointed, shall have the same power to interchange

Special Judges  
may interchange  
ridings.

ridings with the other judges or chancellors, as the judges or chancellors who were elected by the legislature now possess.

SEC. 2. *Be it enacted*, That the act of 1842, chap. 5, for the redemption of real estate, be so amended, that when any *bona fide* creditor has redeemed land from the original purchaser, or from one who has previously redeemed, such creditor shall have the right, within twenty days after said redemption, to advance upon said bid any sum to the extent of his debt or debts, in the same way and to the same extent as if he had been the original purchaser. Redemption of Land.

SEC. 3. *Be it enacted*, That the justices of the peace of any county in this State, are hereby authorized, upon the production of an execution from a justice of the peace of any other county, duly certified, as provided by the act of 1805, chap. 66, to issue an execution for the original judgment and costs, and the cost of the certificate, which execution may be levied upon any property of the defendant in said county, either real or personal, in the same way and to the same extent as if the judgment had been originally obtained in said county. And the justice who issues the last execution, shall return the same and the certified execution to the circuit court of the county, where the real estate is situated, who shall be authorized to condemn the land as if the original papers were deposited in said circuit court. Justice may issue execution upon execution from another county.

SEC. 4. *Be it enacted*, That the supreme court in term time, or either of the judges thereof in vacation; shall have power and authority to grant writs of superseas to an interlocutory order or decree, or to executions issuing upon interlocutory orders or decrees in courts of chancery, as well as in case of executions issuing upon final decrees. And bond and security may be required by the court or judges to pay the amount of the execution on the final decision of the case in the court of chancery, or to pay such cost and damages as the opposite party may sustain. And when the superseas is issued by the clerk of the supreme court, a copy of the petition and superseas shall be filed in the court of chancery and there remain as part of the record until the final decision of the cause. Judges of Supreme Court may grant superseas.

SEC. 5. *Be it enacted*, That the circuit courts of Dyer county, shall be hereafter held on the first Mondays of February, June and October, but this change shall not take effect until after the next term of said court, which shall be held as heretofore. Circuit Courts of Dyer.

SEC. 6. *Be it enacted*, That a chancery court be es-

Chancery Court  
at Waverly.

established at the town of Waverly, in the county of Humphreys, in the Middle Chancery Division of Tennessee, to be holden on \_\_\_\_\_ of each and every year, from and after the passage of this act.

JORDAN STOKES,

*Speaker of the House of Representatives.*

M. R. HILL,

*Speaker of the Senate.*

Passed, February 25, 1852.

## CHAPTER CLXXXII.

AN ACT to amend an act entitled "an act to declare the embezzlement of money by certain bank officers, felony," passed the 29th of January, 1844.

*Be it enacted by the General Assembly of the State of Tennessee,* That an act passed on the 29th of January, 1844, entitled, "an act to declare the embezzlement of money by certain bank officers, felony," be and is hereby so amended, that the provisions of the same shall extend to and embrace all the banks already incorporated, or to be hereafter incorporated in this State, and all the officers, agents and servants of such banks, and all other clerks, officers and agents having possession of the money of the State, and all the rail road companies and other corporations created, or hereafter to be created by the Legislature of this State, and all the officers, agents and servants of such rail road companies and other corporations.

JORDAN STOKES,

*Speaker of the House of Representatives.*

M. R. HILL,

*Speaker of the Senate.*

Passed, February 16, 1852.

## CHAPTER CLXXXIII.

AN ACT for the relief of Overseers of roads.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That from and after the passage of this act, all persons appointed overseers of public roads, by the county courts of this State, shall be exempt from paying poll tax, during their term of service as such overseers, provided they serve one year as such overseer, and all laws to the contrary be and the same are hereby repealed.

SEC. 2. *Be it enacted*, That any person killing a wild-cat, and presenting the scalp of the same to the county court, and making affidavit that he killed the wild-cat in the State of Tennessee, shall receive a certificate from the county court for the same, which certificate shall be received by the tax collector in payment of the poll tax of the individual presenting the same. Wild Cat Scalp.

SEC. 3. *Be it enacted*, That the county courts may have the power to grant any sum out of the county treasury they may see fit, to any person who may kill a red fox and present the scalp and make affidavit, or satisfactory proof that he killed said fox. Fox Scalp.

JORDAN STOKES,

*Speaker of the House of Representatives.*

M. R. HILL,

*Speaker of the Senate.*

Passed, January 26, 1852.

## CHAPTER CLXXXIV.

AN ACT to authorize the Comptroller of the Treasury to issue duplicate warrants in certain cases.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Comptroller of the Treasury be authorized to issue a duplicate warrant upon application to any person to whom an original warrant was issued, whenever satisfied by the affidavit and other evidence produced by the applicant, that said original warrant was lost or mislaid. *Provided*, That no duplicate warrant shall be issued until the applicant shall give sufficient bond with good security to indemnify the State against loss by reason of said warrant, and upon failure to take a sufficient bond with good and

sufficient security, the Comptroller of the Treasury and his securities shall be responsible for all loss to the State by such failure or neglect. *Provided*, That all warrants hereafter to be issued by the Comptroller, shall specify the name of the person to whom issued, upon the face of the warrant, by making the same payable to such person or his order.

Sec. 2. *Be it further enacted*, That for additional security, it shall be the duty of the Comptroller of the Treasury to ascertain by enquiry through the president of the Bank of Tennessee, whether said original warrant has been paid at the principal bank or any of its branches.

JORDAN STOKES,

*Speaker of the House of Representatives.*

M. R. HILL,

*Speaker of the Senate.*

Passed, February 25, 1852.

## CHAPTER CLXXXV.

AN ACT to incorporate the Lookout Turnpike Company.

**Incorporation.** SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That George D. Foster, and such other persons as may be associated with him, and their successors, are hereby incorporated by the name and style of the Lookout turnpike company, and by that name are constituted a body politic and corporate, with succession for fifty years, and are vested with all the corporate powers, privileges and immunities, and subject to all the restrictions of the McMinnville and Chattanooga turnpike company, (except as otherwise provided in this act) for constructing, keeping in repair, and using a turnpike road from the foot of Lookout Mountain, on the east side, to the summit thereof, near the point in Hamilton county, Tennessee.

**Style of road.** SEC. 2. *Be it enacted*, That said road shall be sixteen feet wide where practicable, clear of stumps, trees and other obstructions, and shall in no part have a greater ascent than one foot in a distance of ten feet.

**Capital Stock.** SEC. 3. *Be it enacted*, That the capital stock of said company shall be fifteen hundred dollars, in shares of ten dollars each, with privilege of increasing the same

to any amount sufficient to complete said road, and John P. Long, Milo Smith and David J. Carr, are hereby appointed commissioners, who, or a majority of whom, shall examine said road, and if they find it completed and in order as required by this act, shall give the company a certificate to that effect, whereupon the company shall have the right to erect a toll-gate on any part of the road, and exact such rates of toll as the company may fix. *Provided*, They do not exceed the rates of toll prescribed for the McMinnville and Chattanooga turnpike company.

SEC. 4. *Be it enacted*, That if the road is not completed in one year from the passage of this act, this charter shall be forfeited. Time to complete

SEC. 5. *Be it enacted*, That a body politic and corporate is hereby constituted, by the name and style of the McMinnville and Woodbury turnpike company, with all the powers and privileges and rights granted to the Sycamore Mills turnpike company, and subject to all the restrictions of said company, and the charter of said company is hereby adopted as the charter of the McMinnville and Woodbury turnpike company, except as hereafter provided. The capital stock of said company shall be one thousand dollars, and may be increased to twenty thousand dollars, to be divided into shares of twenty-five dollars each. McMinnville and Woodbury turnpike company

SEC. 6. *Be it enacted*, That the following persons shall be commissioners to transact the business of the company until a president and directors are elected, by getting subscriptions of stock or by appointing an agent or agents to get stock, or in any way they may think best, to wit: G. H. Glascock, J. F. Mofford, Robert Biles, S. D. Rowan and William Morgan. Commissioners.

SEC. 7. *Be it enacted*, That said road shall run from McMinnville to intersect on the nearest and most practicable route the Murfreesborough and Woodbury turnpike road.

SEC. 8. *Be it further enacted*, That Thomas D. Davenport, S. A. Carroll, David Riddle, Henry Riddle, Wm. Chaffin, Wm. T. Neil, Lee M. Bentley, H. L. Burkitt and Thomas Spencer, be and they are hereby appointed additional commissioners to the Tennessee and Alabama railroad. Tennessee and Alabama railroad

JORDAN STOKES,  
Speaker of the House of Representatives.  
M. R. HILL,

Speaker of the Senate.

Passed, February 16, 1852.

## CHAPTER CLXXXVI.

AN ACT to incorporate the Memphis Female Seminary.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Tennessee,* That William H. Carroll, Frazure Titus, Reuben L. Kay, E. W. M. King, Wm. O. Lofland, George Patterson, Willie B. Miller, Sterling Fowlkes, Enoch Banks, James T. Leatte, Geraldus Buntyn, Jephtha Fowlkes and Frederick P. Stanton, be and they are hereby created a body corporate and politic in law and in fact, by the name of the Memphis Female Seminary, with perpetual succession, with all the rights, powers, privileges, immunities, limitations and restrictions to them and their successors in office, conferred and imposed upon the Dandridge Female Academy, and the trustees of the Tennessee Conference Female College, incorporated on the       day of January, 1850.

**SEC. 2.** *Be it enacted,* That the said trustees shall fill all vacancies occurring in said board by death, removal, resignation, or for failing, neglecting or refusing to attend the meetings of said board of Trustees, as shall be prescribed by the rules and by-laws adopted by the said trustees for the management and government of said institution by an affirmative vote of a majority of the surviving or remaining trustees.

**SEC. 3.** *Be it enacted,* That James Beckwith, sen., Daniel Smith, John F. Goodner, Frederick Jones and W. W. Wade, be and they are hereby constituted and appointed a body politic and corporate, by the name and style of the President and Trustees of Fulton Academy, in DeKalb county, and by that name may sue and be sued, plead and be impleaded, and shall have perpetual succession, and use a common seal, and shall have, hold and acquire all property, both real and personal, which may be necessary for the purposes of the Academy, and shall have, exercise and enjoy all such rights, powers and privileges, as are usually possessed and exercised by the trustees of other incorporated Academies, and may ask, demand, and sue for any monies to which said Academy may be entitled, under any law of this State for the benefit of Academies.

**SEC. 4.** *Be it enacted,* That any three of said trustees shall constitute a quorum for the transaction of business, and upon the death, resignation, removal or refusal to act, such vacancy may be filled by a quorum of the board.

**SEC. 5.** *Be it enacted,* That the trustees are authorized

to elect a president, and all other officers necessary for the management of the institution, and may make such by-laws as they may deem necessary, not inconsistent with the laws of this State or the United States. Officers.

SEC. 6. *Be it enacted*, That all county academies entitled to and drawing a portion of the academy fund of the State, shall receive female as well as male pupils, and teach them in the several branches as now taught in said institutions. County Academies.

JORDAN STOKES,  
*Speaker of the House of Representatives.*  
M. R. HILL,  
*Speaker of the Senate.*

Passed, February 26, 1852.

## CHAPTER CLXXXVII.

AN ACT to give the County Courts power to issue process in cases of Bastardy.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That when any person is charged with being the father of a bastard child, and is brought before a justice of a peace upon said charge, and gives his bond with security to appear before the county to answer said charge, and he fails to appear before that court, in that case, the county court shall have the defendant called out upon his recognizance, and cause a *scire facias* to issue against the defendant, ordering him to appear at the next or any ensuing term of the county court, to show cause why judgment should not be rendered against him and his securities upon his bond. If the defendant fail or refuse to appear and show cause, then the court shall render judgment against the defendant and his securities for the full amount of the said bond, and issue execution forthwith for the collection of the same. When the money is collected, it shall be applied under the direction of the court to the maintenance of the child of which he is charged to be the father.

SEC. 2. When an issue is made up in the county court under the existing laws concerning bastardy, the court shall proceed to try the same, and either party shall have the right to appeal to the circuit court, where the cause shall be tried by a jury, as in other cases of issues of fact. Issue may be tried.

Affidavit of de-  
fendant to be  
evidence.

SEC. 3. That in all cases in which the defendant shall make an affidavit that he is not the father of said child, as is required in the first section of the twenty-ninth chapter of an act passed in eighteen hundred and twenty-two, said affidavit, if it denies sexual intercourse with the mother of the child, within twelve months before the birth of such child, shall not only entitle the defendant to an issue to try the truth of said charge, but shall also be received as evidence on the trial of said cause.

SEC. 4. The county court shall have power to issue execution upon any order or judgment given for the maintainance of a bastard child, and the officer executing a *scire facias* shall be allowed the usual fee in similar cases.

JORDAN STOKES,  
*Speaker of the House of Representatives.*  
M. R. HILL,  
*Speaker of the Senate.*

Passed, February 21, 1852.

## CHAPTER CLXXXVIII.

AN ACT to incorporate the Mutual Insurance Company of Chattanooga, and to incorporate the Mutual Protection, Fire and Marine Insurance and Life and Trust Company of Trenton.

Incorporation.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That there shall be established in the city of Chattanooga, an Insurance Company, which shall be a body politic and corporate, to be called the Mutual Insurance Company of Chattanooga, of which Benjamin Chandler, James A. Whiteside, Thomas McCollie, Robt. M. Hook, G. C. McMillan, Joseph S. Gillespie, John P. Long, John G. Didlake, John F. Brooke, Granville J. Carr, J. J. Griffin, Allen Kennedy, M. B. Parham, John S. Bryant, William S. Bell, John G. Glass, F. A. Parham, H. S. Abraham and F. B. Frazier, or any number of the above named persons, and such other persons as may be hereafter appointed with them, by having their property or lives insured, shall be members equally entitled to a full participation in all dividends.

**SEC. 2.** *Be it enacted,* That it shall be the duty of the nineteen trustees named in the first section of this act, or the duty of any three of them, within four years after the passage of this act, to open a book to receive application for insurance to be approved by them, amounting to fifty thousand dollars, the books may then be closed, and the company may be organized. It shall also be the duty of the nineteen trustees, or the duty of any three of them, to appoint three inspectors of the first election. Open Books.

**SEC. 3.** *Be it enacted,* That the said Mutual Insurance Company of Chattanooga, shall have all the powers and privileges, and be restricted to the same rules, regulations and restrictions, as are contained in an act passed 29th December, 1847, incorporating the Mutual Protection Insurance Company of Nashville, except when publications are required to be made, then, said publications shall be made in one or more newspapers in Chattanooga, instead of in Nashville, and also the same powers, rights and privileges granted to the Knoxville Marine, Fire Insurance and Life and Trust Company, by an act passed 17th January, 1838, be and the same as far as applicable, are hereby conferred upon the said Mutual Insurance Company of Chattanooga. Powers.

**SEC. 4.** *Be it enacted,* That there shall be established at Trenton, an Insurance and Life and Trust Company, which shall be a body politic and corporate, to be called the Mutual Protection and Fire Insurance and Life and Trust Company of Trenton, of which John W. Elder, C. B. Caldwell, R. B. McGee, M. M. Houston, L. M. Caldwell, W. T. Wilkins, Robt. Seat, Jas. V. Fussell, J. V. Morton, W. S. Scrape, J. A. Wilkins, C. L. McGee, Saml. Williams, H. C. Levy and H. L. Elder, shall be the first trustees and directors, and such other persons, as may hereafter associate with them by having their property or lives insured, and shall be members equally entitled to a full participation in all dividends. Trenton Insurance Company.

**SEC. 5.** *Be it enacted,* That it shall be the duty of the Mutual Trustees mentioned in the first section of this act, or the duty of any five of them, within two years from the passage of this act, to open a book and receive applications for insurance to be offered to them, amounting to fifty thousand dollars, the books may then be closed, and the company organized. It shall be the duty of said trustees, or any five of them, to appoint three inspectors of the first election. Open Books.

**SEC. 6.** *Be it enacted,* That should said company

**Capital Stock.** deem it proper, the capital stock of said company shall be one hundred thousand dollars, to be increased at the pleasure of the stockholders to two hundred thousand dollars, to be divided into shares of fifty dollars each, and shall have perpetual succession, and continue for the term of thirty years.

**Powers and Liabilities.** SEC. 7. *Be it enacted*, That said company shall have all the powers and privileges, and be subject to the same rules, regulations and restrictions, as are contained in an act passed the 29th day of December, 1847, chap. 43, incorporating the Mutual Protection Insurance Company of Nashville, except where publication is required to be made, such publication shall be made, as directed by said company, and the individual property, both real and personal, of the stockholders in said company, shall be held and bound for the payment of the debts of said corporation, to the amount of his or her stock in said corporation, but no further, and the same powers, rights and privileges, granted to the Knoxville Marine, Fire Insurance and Life and Trust Company, by an act passed January 17, 1838, chap. 206, be and the same as far as applicable, are hereby extended to the said company herein incorporated, at Trenton.

**Open Books.** SEC. 8. *Be it enacted*, That at their election, the persons mentioned in the 4th section of this act, may open books for the subscription of stock, instead of books for applications for insurance, and upon stock being subscribed to the amount of fifty thousand dollars, in shares of fifty dollars each, the company shall be organized, and the subscribers for stock shall be a body politic and corporate by the name and style of the Trenton Insurance Company, with all the rights, powers and privileges and subject to all the restrictions of the Memphis Insurance Company as incorporated by the act of the General Assembly, passed the 30th January, 1844. The amount of stock may be increased at the pleasure of the company.

**East Ten. Iron Manufacturing Company.** SEC. 9. *Be it enacted*, That the charter of the East Tennessee Iron Manufacturing Company, be so amended, that the said company may increase their capital stock to an amount not exceeding one million of dollars.

JORDAN STOKES,  
*Speaker of the House of Representatives.*

M. R. HILL,  
*Speaker of the Senate.*

Passed, February 21, 1852.

## CHAPTER CLXXXIX.

AN ACT to change the line between the counties of Perry and Hickman, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee.* That the line between the counties of Perry and Hickman, be changed as follows, to wit: Beginning at a point on the Ridge between Cain creek and Brush creek, at the head of Dicky's branch, running thence north, so as to leave Isaac Depreast west of said line, crossing Cain creek, and continuing one half mile north of said creek, there to corner, and run from said corner west or north-west to the Perry county line, so as to include all the citizens living on Cain creek, below where said line crosses the creek, above said Depreast's, and that all the territory stricken off of Hickman county by changing the line as above described, be, and is hereby attached to the county of Perry.

SEC. 2. *Be it further enacted,* That all persons residing within the territory attached to the county of Perry, by the first section of this act, shall be entitled to all the rights and privileges, and subject to all the liabilities and penalties of other citizens of Perry county. *Provided,* It does not reduce the county of Hickman below its constitutional limits, and it shall be the duty of the county court of Hickman county to appoint a surveyor to run out said county, whenever the county of Perry shall have deposited with the county court clerk, of Hickman county, money sufficient to pay all the cost and expense for running out said county.

Jefferson and  
Sevier.

SEC. 3. *Be it enacted,* That the dividing line between the counties of Jefferson and Sevier, at Creswell's creek, be so altered and changed as to include all the lands of Thos. Stringfield within the county of Jefferson.

JORDAN STOKES,

*Speaker of the House of Representatives.*

M. R. HILL,

*Speaker of the Senate.*

Passed, February 25, 1852.

## CHAPTER CXC.

AN ACT to appoint Trustees of Greasy Rock Academy, in the county of Hancock, and to incorporate the Nashville Female Institute.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Tennessee,* That the second section of the act, passed January 30th, 1850, incorporating said academy, be so amended, that the persons hereinafter named, be, and they are hereby appointed trustees of said academy, to wit: Lee Jesse, Joseph Campbell, G. W. Baker, Isham Brewer, David Trent, Samuel Jarvis, and Holden McGee, Anderson Campbell, Wm. B. Davis, Canada Hodges, and William S. Rose, a majority of whom shall constitute a quorum to do business, with the same powers as the trustees heretofore appointed and have failed to act.

**SEC. 2.** *Be it further enacted,* That Thomas B. Ripley, Samuel Baker, John W. King, and their associates and successors, be incorporated a body politic and corporate, by the name and style of the Trustees of the Nashville Female Institute, with power to have a common seal, and to change the same, to sue and be sued, plead and be impleaded, in all kinds of suits and actions, to receive donations in money, lands, buildings, books, apparatus, &c., and to make purchases of property, which shall inure to them and to their successors in office, and also to sell and dispose of the same, and to hold real and personal estate to the value of not more than one hundred thousand dollars, and to pass all such rules, regulations and by-laws as the said corporation may judge expedient and advantageous to said Institute. The said board shall have power to fill, from time to time, all vacancies which may occur in their number, and, in general, all the powers which have been granted to the trustees of the several female seminaries in this State.

**SEC. 3.** *And be it enacted,* That T. B. Ripley, be, and he hereby is authorized to appoint the time and place of the first meeting of said trustees, and to give due notice of the same.

JORDAN STOKES,  
*Speaker of the House of Representatives.*

M. R. HILL,  
*Speaker of the Senate.*

Passed, February 18, 1852.

## CHAPTER OXCI.

AN ACT to incorporate the Nashville, Franklin and Columbia Rail Road Company.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the subscribers for stock as herein prescribed, are hereby created a body politic and corporate, by the name and style of the Nashville, Franklin and Columbia Rail Road Company, with all the rights, powers, privileges and immunities, and subject to all the restrictions, liabilities, pains and penalties of an act passed December 11th, 1845, incorporating the Nashville and Chattanooga Rail Road Company, and the several amendments thereto, except as hereinafter provided. Incorporation.

SEC. 2. *Be it enacted,* That the capital stock of said company shall be two hundred thousand dollars, divided into shares of twenty-five dollars each, and may be increased to an amount sufficient to construct said road. Capital Stock.

SEC. 3. *Be it enacted,* That Thomas Parkes, R. C. Foster, William Maney, John Marshall, W. H. Crouch, J. W. Morton, D. B. Cliffe, J. H. Wilson, S. S. Mayfield, E. Thompson, Thos. B. Bond, A. R. Cartwright, Spivey McKissac, J. W. Chairs, D. C. Kinnard, R. Ogilvie, W. P. Martin, S. D. Frierson and A. O. P. Nicholson, are hereby appointed commissioners to cause books to be opened by themselves, or whomsoever they or a majority of them may select, at Spring Hill, Franklin, Columbia, and such other places as they may select, for subscriptions for stock in said company, and whenever the sum of two hundred thousand dollars is subscribed, the commissioners or the persons appointed by them to receive subscriptions for stock, shall call a meeting of the subscribers at Franklin, as soon as practicable, giving ten days notice of such meeting in some newspaper published in the town of Franklin, at which meeting a company may be organized by the election of a board of Directors, and who shall elect one of their number President, and proceed to construct a rail road from Nashville or South Nashville to Franklin, and use the same as completed; and the aforesaid commissioners, or a majority of them, shall constitute a board to manage the affairs of the company, until the election of a President and Directors. Commissioners.

SEC. 4. *Be it enacted,* That whenever the further sum of one hundred and forty thousand dollars of stock is subscribed, a meeting of the subscribers shall be called as before at Spring Hill, who may organize a company by the election of a President and Directors, who shall Read from Franklin Springhill. to

proceed to construct a rail road from Franklin to Spring Hill, and when completed, shall be united at Franklin with the road from Nashville or South Nashville to Franklin, and constitute one road and one company.

Road from  
Springhill to Co-  
lumbia.

SEC. 5. *Be it enacted*, That whenever the further sum of one hundred and twenty thousand dollars of stock is subscribed, a meeting of the subscribers shall be called as before at Columbia, who may organize a company by the election of a President and Directors, who shall proceed to construct a rail road from Spring Hill to Columbia, and when completed, shall be united at Spring Hill with the road from Nashville or South Nashville to Spring Hill, and constitute one company and one rail road from Nashville or South Nashville to Columbia. *Provided however*, That the necessary debts contracted by the several boards of Directors in the prosecution and construction of the respective sections of said road shall be settled, equalized, or fairly and equitably proportioned by agreement of the different Directors of the respective sections, in a joint meeting of the several boards of Directors before the companies shall unite.

SEC. 6. *Be it enacted*, That the Governor of the State shall not issue or endorse any bonds in behalf of this company under existing laws.

Open Books.

SEC. 7. *Be it enacted*, That said company shall have power to open their books for subscriptions for stock for the whole line of their road from Nashville or South Nashville to or near to Columbia, at the same time and said company shall not be compelled to construct their road by sections, and when the company organizes by the election of its officers, it may do so as one company, and the stock subscribed for may be taken in one company under the name aforesaid, to construct a railroad from Nashville or South Nashville by the way of Franklin and Spring Hill to or near to Columbia, and each stock holder shall be entitled to one vote for each share of stock under ten thousand dollars, held by him, and two votes for every three shares over that sum. And said company may extend their road to or near to Mount Pleasant, if they see proper, and to increase their stock to an amount sufficient for that purpose, and to open their books for subscriptions of stock for that purpose, at such times and places as they may deem proper.

Parallel with  
turnpike.

SEC. 8. *Be it enacted*, That said company may construct their road adjacent to or parallel with any turnpike road, and shall not be liable to any turnpike company for so constructing their road, for any damages.

**SEC. 9.** *Be it enacted,* That John Baird, William J. Sykes, Andrew J. Polk, George W. Polk, James M. Granberry, Dr. Stockard, Geo. W. White, Alexander Allison, Isaac Paul, C. K. Winston, W. L. Nance, M. C. L. Claiborne and Lysander McGavock, be and they are hereby made additional commissioners in said company. And the commissioners appointed by this act, or any person appointed by them to procure the subscription of stock, shall not be compelled to require the payment of fifty cents for each share of stock subscribed for at the time it is subscribed for.

Additional  
Commissioners.

**SEC. 10.** *Be it enacted,* That said company shall have power to terminate their road at or near Mt. Pleasant, at or near Columbia, at or near Spring Hill, or at or near Franklin; and if said company should terminate their road at either of said points, then the Nashville and Southern Railroad Company or the Tennessee and Alabama Railroad Company, shall have power to begin the main trunk line of their road at such point of termination, and construct them from that point to the place or places designated in their charters, and said charters are hereby so amended, that L. J. Polk and John Marshall shall be additional commissioners in said companies, and said companies shall construct their roads by the way of Franklin and Spring Hill, if they construct them from Nashville or South Nashville to the point or points designated in their charters, and also by way of or near Columbia and Mount Pleasant, and the acts incorporating said companies shall take effect from the adjournment of this General Assembly.

Terminating  
points.

**SEC. 11.** *Be it enacted,* That if the Nashville, Franklin and Columbia rail road company shall construct their road by sections as hereinbefore provided, then the commissioners residing in and north of Franklin, shall act as such for the first section, and the commissioners residing between Franklin and Columbia, shall act as such for the second section, and the other commissioners shall act for the other section or sections of the road.

Local commis-  
sioners.

**SEC. 12.** *Be it further enacted,* That the respective county courts of the counties of Lawrence, Maury, Williamson and Davidson, be authorized and empowered to subscribe for whatever amount of stock of any railroad company chartered to build a railroad through said counties, or either of them, or any part of either of them, the said courts may deem expedient, and to issue the bonds of the respective counties for the amount of stock so subscribed in the manner hereinafter pre-

County sub-  
scriptions.

scribed. *Provided*, That neither of said county courts shall so take stock, until the question of the taking of the same shall first have been submitted to the voters of the county, which it is proposed shall subscribe stock, and the majority of such voters shall have decided in favor of taking the stock proposed.

County elections  
for stock.

Sec. 13. *Be it further enacted*, That upon the application of the President of any railroad company as aforesaid, or if the company has not been organized, of the commissioners of such company, it shall be the duty of the county court of either of the above named counties, to direct the sheriff of the said county to open and hold an election upon the proposition to take stock in such railroad company, on such day as the court shall order. The election shall be held at the usual places of holding elections in said county, and the tickets used in such election, shall have thereon, the word Stock or No Stock. The returns of said election shall be made to the next term of the county court.

County bonds.

Sec. 14. *Be it further enacted*, That whenever the majority of the voters of either of the above named counties, shall upon the question being submitted to them, as contemplated in the previous section of this act, decide in favor of the proposition, that the county shall take stock as proposed, it shall be the duty of the county court of said county, to make an order, that the chairman of said court shall subscribe for the proposed amount of stock in the name of the county, and obtain the certificate therefor, and that the bonds of the county shall be issued and delivered to the said railroad company for the amount of stock so taken, which bonds shall be payable to said railroad company, shall bear interest at six per cent. per annum, payable semi-annually, and shall fall due in not less than ten nor more than thirty years from date. The same shall be signed by the chairman of said court and countersigned by the clerk thereof.

Sinking fund.

Sec. 15. *Be it further enacted*, That it shall be the duty of the county court of the county which shall so take stock, and issue bonds, to lay and collect an annual tax, sufficient in amount to raise a sum equal to the annual interest on bonds so issued, and also sufficient to raise a sum equal to one per cent. upon the amount of the bonds. The sum so raised by the one per cent, shall constitute a sinking fund for the redemption of said bonds, and the same and the accruing interest thereon, shall from year to year, be under the direction of the county court, invested in bonds of the State, bearing six per cent. interest.

**Sec. 16.** *Be it further enacted,* That the stock so taken by either of said county courts, shall belong to the county, and the dividends which may accrue thereon, shall constitute a fund for county purposes, and may be from time to time appropriated as a majority of the justices of the peace for said county may in county court direct. Stock to belong to county.

**Sec. 17.** *Be it further enacted,* That it shall be the duty of the county court to take from the sheriff or revenue collector, a bond to cover the tax so laid, and the sheriff or revenue collector, shall have the same powers, and be subject to the same duties and liabilities in the collection of said tax, as he has by the existing laws in the collection of other county revenue. Collector to give bond.

**Sec. 18.** *Be it further enacted,* That it shall be the duty of the sheriff or revenue collector of the county in which a railroad tax is laid, to pay over the money collected by him as such tax, to the county trustee of the county, within the time in which he is now required to pay over other county revenue, and it shall be the duty of the county trustee, under the direction of the county court, out of the proceeds of the railroad tax, to pay the interest on the bonds of the county so issued for stock, and to invest the residue of those proceeds in State bonds, in the name of the county. *Provided,* That the county court may direct any other person to make such investment. Railroad tax to be paid to trustee.

**Sec. 19.** *Be it further enacted,* That the quorum courts of the above named counties, shall be competent to discharge all the duties imposed by the 12th, 13th, 14th, 15th, 16th, 17th and 18th sections of this act, except the levying of the tax contemplated, and the appropriating of the dividends upon the county stock, which duties shall be performed by the quarterly courts of the said counties, and the circuit courts of the respective counties, shall have power upon the application of the bond holders, or any of them, or any other interested person, to issue writs of mandamus, to compel the county courts to perform the duties imposed by this act. *Provided,* That the person collecting the said rail road tax, shall receive two per cent. upon the gross amount of tax so collected by him, as a compensation, and the county trustee shall receive for his services, under the provisions of this act, a commission of one per cent. upon the railroad tax paid into his hands. Quorum Courts. Mandamus. Compensation.

**Sec. 20.** *Be it further enacted,* That so many of the sections of this act, as relates to the counties of Lawrence, Maury, Williamson and Davidson, and authorizes those counties to take stock in rail roads and to Other counties to which the law may apply.

issue the bonds of said counties for the same, shall also apply to the following counties: Jefferson, Greene, Hawkins, Washington, Carter, Sullivan, Grainger and Warren.

**Mossy Creek and Dandridge branch road.** SEC. 21. *Be it enacted*, That the formation of a company is hereby authorized, for the purpose of constructing a Railroad, McAdamized turnpike, or Plank road from Dandridge, to intersect the East Tennessee and Virginia Railroad at Mossy creek, which company shall consist of the stockholders, and when formed, shall be a body corporate, by the name and style of the Mossy creek and Dandridge branch road company, which company shall have the privilege of constructing between said places, either a railroad for steam or horse power, McAdamized turnpike or plank road, as they may deem most practicable.

**Powers.** SEC. 22. *Be it enacted*, That if said company shall determine to construct a railroad, they shall have and enjoy, possess and exercise all the rights, powers, privileges and franchises, so far as the same are applicable, which the East Tennessee and Virginia railroad has by the terms of an act, passed 27th January, 1848, entitled "an act to incorporate the East Tennessee and Virginia railroad company," and be subject to the same liabilities and restrictions therein imposed. *Provided*, That the prohibitions against granting a charter for any parallel road, shall not be applicable to this charter. *And provided further*, That each shareholder shall be entitled to as many votes as he has shares.

**Capital Stock.** SEC. 23. *Be it enacted*, That the capital stock of said company, if it is determined to build a railroad, shall be one hundred thousand dollars, to be divided into shares of twenty-five dollars, and John R. Branner, A. J. Mountcastle, Jas. R. Brazelton, S. C. Odell, Saml. J. Newman, Joel Johnson, Wm. Rankin, B. F. Franklin, S. N. Fain, R. H. Hynds, John Roper, John Fain, sr., Wm. A. Branner and Wm. R. Caswell, be hereby appointed commissioners, who may at such times and places, and upon such terms as they thing proper, open books for the subscription of said stock, and who shall, as to this road in all respects, have the power and perform the duties prescribed for the board of commissioners of the East Tennessee and Virginia rail road company, so far as they are applicable to this road. And whenever the number of two hundred shares are subscribed, the company shall be considered as formed, as having a corporate existence as aforesaid, and the board of commissioners may proceed to survey the road, or route of the road, and make an estimate of

**Commissioners.**

the cost of its construction. And when four hundred shares shall have been subscribed, the board of commissioners shall appoint a time for the stockholders to meet at Dandridge for the purpose of electing a President and six Directors to manage the affairs of the company. The President shall be elected as the other Directors are by a direct vote of the stockholders.

SEC. 24. *Be it enacted*, That the board of directors may call for the payment of stock subscribed in sums not exceeding five dollars on the share, in every sixty days, and to enforce its payment the same remedy is given as in the act aforesaid. Calls.

SEC. 25. *Be it further enacted*, That if the above named commissioners shall not determine to avail themselves of the provisions of the foregoing charter, the said commissioners shall have the privilege of forming a company for the purpose of making a turnpike, McAdamized or plank road, as they may deem proper or expedient, and avail themselves of the provisions of an act, passed February 7th, 1850, entitled "an act to authorize the formation of turnpike companies." And after said company shall be organized, they shall proceed to lay off said road on the nearest, best and cheapest route from the town of Dandridge to or near the head of Mossy creek, to intersect with the East Tennessee and Virginia Railroad, convenient to where said road crosses the said creek. May form turnpike company.

SEC. 26. *Be it enacted*, That an act passed January 21st, 1836, incorporating the Cincinnati and Charleston Railroad Company, be, and the same is hereby revived and renewed, and that the persons mentioned therein as commissioners along or near the line of said road, or a majority of them, may open books of subscription at such times and places as they may see proper, and may organize and form a new company for the purpose of constructing said road, so as to connect with such roads, at the Tennessee line, as may be contemplated by the States of Kentucky, North and South Carolina. Cincinnati and Charleston railroad.

SEC. 27. *Be it further enacted*, That the Shelbyville, Farmington, and Lewisburg Turnpike Company, shall have two years, from the passage of this act, to complete said road, and said company shall, in assessing damages for the right of way, ascertain the same in the same manner in all things, so far as applicable, that is prescribed for the Nashville and Chattanooga Railroad Company. Shelbyville, Farmington and Lewisburg turnpike company.

SEC. 28. *Be it enacted*, That the Duck River Slack Water Navigation Company, shall have power to transfer

Duck river Slack  
Water Navigation  
Company.

to, or subscribe all of their stock in any railroad company that may construct a railroad through the counties of Williamson and Maury, or from Columbia to the Alabama line or to Tennessee river. *Provided*, That a vote by the stockholders shall first be had on the question, and if a majority of the stockholders, in proportion to their stock, vote in favor of subscribing for such stock, then the president of the company, in the name of the company, shall subscribe the stock voted for by the stockholders. *And provided further*, That all the stockholders who oppose the said subscription, may signify their dissent, in writing, to the president and directors of the Duck River Slack Water Navigation Company, in two months after the said vote is taken, and in that event, said dissenting stockholders shall not be liable to pay any of their unpaid stock, nor shall they be interested in or entitled to any of the stock transferred to or subscribed in such railroad company. *And provided*, That the stockholders of the Duck River Slack Water Navigation Company, residing in the county of Hickman, shall not be required to give the notice required in the preceding section, and shall not be liable for any stock subscribed in any railroad company by the president of said Duck River Slack Water Navigation Company.

May subscribe  
stock in railroads,

SEC. 29. *Be it enacted*, That the said Duck River Slack Water Navigation Company shall have power to subscribe, as aforesaid, for stock in any such railroad company, to an amount less than all of their stock in their own company, and not exceeding two hundred thousand dollars, upon a vote of the stockholders, as prescribed in the first proviso to the preceding section. *Provided*, The said stockholders shall retain their present corporate powers and privileges, and shall make equitable settlements with such stockholders as have paid up their stock or any part thereof.

Railroad Companies  
not to engage in  
banking.

SEC. 30. *Be it enacted*, That none of the railroad companies mentioned in an act passed at this General Assembly, entitled "an act to establish a system of Internal Improvements in this State," and none of the railroad companies, incorporated at the present General Assembly, shall either directly or indirectly engage in any kind of banking whatever, and if any of said companies violate the provisions of this section of this act, it shall be deemed and held a forfeiture of their charter, and any such company or companies shall not be entitled to any of the benefits or privileges of the above recited act.

SEC. 31. *Be it enacted*, That the above recited act be

so amended, that the State of Tennessee shall pay for the materials for engraving the bonds to be issued to said companies, and each company shall pay for the balance of the costs of preparing and issuing the bonds issued to such company, and shall refund to the State their proportional part of the expenses of procuring said materials. Governor to procure bonds.

Sec. 32. *Be it enacted*, That it shall not be lawful for the Governor to issue, or cause to be issued, bonds of this State, to any railroad company, excepting those mentioned in the aforesaid "act to establish a system of Internal Improvement in this State." What roads to receive bonds.

JORDAN STOKES,  
*Speaker of the House of Representatives.*

M. R. HILL,  
*Speaker of the Senate.*

Passed, February 28, 1852.

## CHAPTER CXCH.

AN ACT to charter the Nashville and Southern Railroad Company.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That a body politic and corporate, is hereby constituted by the name and style of the Nashville and Southern Railroad Company, for the purpose of constructing a railroad from Nashville or South Nashville to the Tennessee river, or to the line between the States of Tennessee and Mississippi, or to the line between the States of Tennessee and Alabama, in the direction of Florence, in the State of Alabama, so as to connect with any railroad that may be constructed from New Orleans, Mobile, or Memphis,—and said company shall have and enjoy all the rights, powers and privileges, and be subject to all the liabilities and restrictions prescribed in the charter of the Nashville and Chattanooga Railroad Company; and in the various amendments thereto, except as herein further provided; and the said company or companies that may construct said railroad or railroads from New Orleans, Memphis or Mobile, shall have power to extend their said railroad or railroads to the Tennessee river, to make said connections. Incorporation

Sec. 2. *Be it enacted*, That the capital stock of said company shall be two millions of dollars, to be divided Capital Stock.

into shares of fifty dollars each, and the company shall have power to increase the capital stock to three millions of dollars, and whenever six thousand shares of the capital stock are subscribed for, said company may organize by the election of a board of directors, who shall elect a President from their number, as prescribed in the charter of the Nashville and Chattanooga Company, and at all meetings of the stockholders, where a vote is to be taken, each stockholder shall be entitled to one vote for each share of stock held by him.

**Commissioners.** SEC. 3. *Be it enacted*, That S. D. Morgan, V. K. Stevenson, A. V. S. Lindsley, Alexander Allison, A. O. P. Nicholson, A. Thompson, John W. Cheairs, Spivy McKissick, John Baird, John M. Bass, W. N. Bilbo, James M. Granberry, William J. Polk, S. D. Frierson, R. H. Bostick, T. F. Atkinson, William Harrison, Sr., A. R. Cartwright, Thomas D. Deavenport, B. M. Moore, Wm. Parks, Daniel Bently, Dr. Haddox, Robert A. Hill, A. G. McDougal, John Stribling, Jesse S. Ross, Wm. H. Cherry, Dr. Cochran, T. A. Jones, and C. S. Broyles, be, and they are hereby constituted a board of commissioners, a majority of whom may act, to manage all of the affairs of said company, until it shall be organized by the election of a board of directors as aforesaid, to procure the subscriptions of stock, by the appointment of an agent or agents for that purpose, or in such manner as they may deem best; to provide for experimental surveys of routes for said railroad, and for the payment for making said surveys and for procuring said subscriptions, out of such calls on the stock subscribed for, as they may deem advisable, and out of the funds hereafter provided for, but they shall not be compelled to require any part of the stock subscribed for, to be paid in cash at the time it is subscribed for, and at all meetings of said commissioners they may vote in person or by proxy, in relation to the affairs of the company before its organization as aforesaid, and they shall require each subscriber to execute his note to the company for one dollar for each share of stock subscribed for by him, and it shall be lawful for the same to be sued for and recovered of such subscriber, in the name of the company, whether organized as aforesaid or not; to be used, when paid, in defraying the expenses incurred by the commissioners, in the manner aforesaid.

**Turnpike Road.** SEC. 4. *Be it enacted*, That if said company should run the said railroad continuously on the line of any turnpike road, the company shall have power to do so, upon such terms as the company may agree upon with said turnpike company, by permitting such turnpike

company to subscribe for such amount of stock in said railroad company as the parties may agree upon in lieu of the value of or damage to said turnpike road or otherwise, but said railroad company shall not be liable to pay to any turnpike company any damages for running laterally with, parallel or adjacent to any turnpike road, unless the railroad should be run continuously upon the bed of such turnpike road.

Sec. 5. *Be it enacted*, That it shall not be lawful for said company to make any unequal discriminations in their charges for freight or passage, or in the transportation of freight or passengers, in favor of either of the roads to be built from New Orleans, Mobile or Memphis, over the other. Discriminating charges not allowed

Sec. 6. *Be it further enacted*, That said company shall have ten years to complete their said railroad, and whenever five miles of the road shall have been completed, said company may carry on its regular business upon the same, and said company shall have five years in which to begin the construction of said railroad, and shall have power to build a branch railroad to the Alabama State line to connect with any railroad that may be constructed from Florence to the said State line in the direction of Lawrenceburg. And if said company shall construct said main trunk road to the line between the States of Tennessee and Alabama, in the direction of Florence, then said company shall have power to build a branch road to the Tennessee river or to the Mississippi line to make said connections. Time to complete

Sec. 7. *Be it further enacted*, That the 13th section of an act, passed December 11, 1845, incorporating the Nashville and Chattanooga Railroad Company, shall not be a part of this act. *Provided*, Nothing contained in this act shall be so construed as to authorize the governor to endorse the bonds of said company.

JORDAN STOKES,

*Speaker of the House of Representatives.*

M. R. HILL,

*Speaker of the Senate.*

Passed, January 1, 1852.

## CHAPTER CXIII.

AN ACT to authorize the Mayor and Aldermen of the town of Franklin to take stock in Railroads, and for other purposes.

**May issue bonds.** SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the mayor and aldermen of the town of Franklin, be, and they are hereby authorized and empowered to subscribe for whatever amount of stock, in any company chartered to build a railroad through or contiguous to said town, the said mayor and aldermen may deem expedient, and to issue the bonds of the corporation of said town to the amount of stock so subscribed, and deliver the bonds so issued to the company, in payment of the stock so taken. The bonds shall be signed by the mayor, and countersigned by the recorder of the town of Franklin; shall bear an interest of six per cent. per annum, and be payable in not less than thirty, nor more than forty years after date. The mayor and aldermen of said town of Franklin may levy and collect annually by taxation, upon all the taxable property, polls and privileges liable to taxation for corporation purposes, a sum sufficient, to pay the annually accruing interest upon said bonds, and also to provide a sinking fund of one per cent. per annum upon the bonds so issued, which fund shall be annually invested, and re-invested, with the interest thereof, in bonds of the State of Tennessee, bearing six per cent. interest.

**Election to take stock.** SEC. 2. *Be it enacted*, That whenever the mayor and aldermen of the town of Franklin, shall, by a vote of a majority, decide to subscribe for stock in any railroad company, they shall, after giving thirty days notice of the time and place, cause an election to be held, in which all the qualified voters within the corporate limits of said town of Franklin shall be entitled to vote for or against such proposed subscription, and if a majority of all the votes cast, in said election, shall be for the subscription, the subscription shall be made and the bonds issued, as provided in the first section of this act.

**Mandamus.** SEC. 3. *Be it further enacted*, That upon the application of any person interested, the judge of the circuit court, of the county of Williamson, is hereby authorized to issue a writ of *mandamus*, to enforce the duties imposed upon the mayor and aldermen of the town of Franklin by the provisions of this act.

**Corporation of Greenville.** SEC. 4. *Be it further enacted*, That in addition to the powers heretofore granted to the mayor and aldermen of the town of Greenville, by an act of incorporation,

passed 2nd day of February, 1846, they shall have power to pass such by-laws and ordinances as may be necessary to procure and maintain the quiet and good order of the town, to punish all breaches of good order, all riotous, disorderly and obscene conduct committed within the limits of the corporation, by fine and imprisonment; to ascertain and declare, when necessary, the boundaries and location of the old streets, lanes and alleys, to dig wells and erect cisterns and pumps on the streets and public grounds, and do all other acts and things necessary and proper to preserve order and advance the general welfare of the town, not inconsistent with the laws and constitution of the State of Tennessee.

SEC. 5. *Be it enacted*, That all offences, whether civil or criminal, arising under the by-laws and ordinances passed by the mayor and aldermen aforesaid, shall be cognizable before the mayor, who, upon application, shall issue his warrant, directed to the constable of the said corporation, whose duty it shall be to serve the same, which warrant may be served by the said officer on the offender any where within the limits of the said county of Greene, and upon return of such warrant, it shall be the duty of the mayor to hear and determine the cause, and give judgment accordingly, from which judgment, in all civil cases, an appeal lies to the circuit court of Greene county. Jurisdiction of Mayor.

SEC. 6. *Be it enacted*, That it shall be the duty of the jailor of Greene county to receive and keep in said jail any person or persons who may be committed to his charge for a breach of the by-laws and ordinances of said corporation, and all disorderly and riotous persons committed to his charge, in the night time, by the constables of the corporation, for which he shall receive the same fees as in other cases of imprisonment, to be paid by the offender, for which execution shall be awarded by the mayor, and in cases of insolvency, by the corporation. Duty of Jailor.

SEC. 7. *Be it further enacted*, That the mayor and aldermen of the town of Lawrenceburg shall have the same power, and in the same manner, to subscribe for stock in any railroad company, as provided by this act for the town of Franklin. Town of Lawrenceburg.

JORDAN STOKES,

*Speaker of the House of Representatives.*

M. R. HILL,

*Speaker of the Senate.*

Passed, February 27, 1852.

## CHAPTER CXCIV.

AN ACT to amend an act to incorporate the town of Dyersburg, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the act incorporating the town of Dyersburg, in the county of Dyer, passed January 10th, 1850, be so amended as to limit the boundaries of said town as follows: The Forked Deer river shall be the south boundary line of said town, and the same shall run east with said river so far that the east boundary lines will include the small creek and bridge east of said town; the east boundary line shall run north so far; that the north boundary lines will include the residence of Charles Parrish; the same shall run west so far, that the west boundary lines will include the residences of Drs. A. & T. H. Benton, and thence in a direct line south to the river.

SEC. 2. *Be it enacted*, That all the rights, powers and privileges, that are granted to the corporation of the town of Huntingdon, in the county of Carroll, by an act of the last General Assembly, passed January 1st, 1850, be, and the same are hereby extended to the town of Dyersburg, and the mayor of the corporation of Dyersburg, shall possess and exercise the same powers and authority as are possessed by the mayor of the town of Huntingdon.

SEC. 3. *Be it enacted*, That the mode of collecting taxes upon real estate within the limits of said town, shall be the same as that indicated and authorized by the charter of said town of Huntingdon.

SEC. 4. *Be it enacted*, That it shall be the duty of the constable of said town of Dyersburg to execute all warrants and other powers to him issued; to arrest all offenders, with or without process, for breaches of any of the laws or ordinances of said corporation, when committed in his presence; to apply for and extend any and all needful process to cause offenders to be arrested and punished. It shall also be his duty, promptly to collect and pay over to the Treasurer of said corporation, on the first Monday of January and July annually, all taxes, fines and forfeitures due and owing said corporation, except such as the collection of which is otherwise provided for; and on failing to do so, he and his securities shall be liable for the same, to the amount of his delinquency on motion before the circuit court.

SEC. 5. *Be it enacted*, That it shall be the duty of the jailor of Dyer county to receive and keep in jail, any and all persons committed to his custody by the mayor

of said corporation, and all riotous and disorderly persons committed to his charge at night.

SEC. 6. *Be it enacted*, That when any person or persons may be convicted and fined for any offence against <sup>Fines and for</sup> the laws or ordinances of said corporation, it shall be lawful and proper for the mayor to receive security for such fines, together with the costs, and it shall be his duty, in case such fines and costs remain unpaid at the expiration of the day succeeding the date of the judgment, forthwith to issue execution for the same, directed to the sheriff or any constable of the county, which execution shall have the same force and validity as executions issued by justices of the peace, and in case any constable or other officer, to whose hands such execution may come, shall fail to make proper return of the same, before the mayor of said corporation, within thirty days from the date of its issuance, or if such officer fail, on demand, to pay over to the treasurer, any money by him collected on such execution, he and his securities shall be liable to the same penalties that constables are now subject to by law, for failing to return executions issued by justices of the peace, or for failing to pay over money collected on the same, by motion before a justice of the peace.

SEC. 7. *Be it enacted*, That all fines, penalties and forfeitures due and owing said corporation, the recovery of which is not already provided for, if not exceeding fifty dollars, shall be recovered by action of debt before a justice of the peace, and if exceeding fifty dollars, by action in the circuit court, in the name of the mayor and aldermen. <sup>How recoverable.</sup>

SEC. 8. *Be it enacted*, That the mayor, constable and other officers of said corporation, shall be entitled to and receive such compensation for their services, as may be allowed to them by the mayor and aldermen. <sup>Officer's salaries.</sup>

SEC. 9. *Be it enacted*, That all laws and parts of laws conflicting in any manner with the provisions of this act, be, and the same are hereby repealed.

SEC. 10. *Be it further enacted*, That the corporation of the town of Shelbyville, in Bedford county, be so amended as to authorize said corporation to subscribe for stock in any turnpike road or railroad which may benefit said town, by commencing or terminating at said town, or running at a convenient distance from said town, with turnpike or railroads, that commence or terminate at said town, and pay said subscription, either by the issuance of the bonds of said corporation, or in cash by taxes, or in any way said corporation may determine. <sup>Corporation of Shelbyville.</sup>

SEC. 11. *Be it further enacted*, That this act apply, as well to subscriptions heretofore made, as those hereafter to be made by said corporation.

JORDAN STOKES,  
*Speaker of the House of Representatives.*  
 M. R. HILL,  
*Speaker of the Senate.*

Passed, February 21, 1852.

## CHAPTER CXC.V.

AN ACT to establish the County of Crockett.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That a new county be, and the same is hereby established, to be composed of fractions taken from the counties of Dyer, Gibson, Madison, and Haywood, to be known and designated as the county of Crockett.

Boundaries.

SEC. 2. *Be it further enacted*, That the bounds of Crockett county shall be as follows, to wit: Beginning at the mouth of the Little North Fork of the Forked Deer river; running thence south forty-one degrees west, so as not to run nearer than ten miles to the town of Dyersburg, in the county of Dyer, to the South Fork of the Forked Deer river; thence up said river with the various courses thereof to a point on said river, ten miles in a direct line from the town of Jackson, in Madison county; running thence in a northerly direction to the Middle Fork of the Forked Deer river, at the point where the line, established by the act of 1845, chapter 25, terminated on said river; thence down said Middle Fork, with the various courses thereof, to the beginning. *Provided*, That the commissioners, hereinafter named, shall have the power to re-run the eastern and western boundary lines of said county of Crockett, in such direction as they may deem necessary and proper. *And provided further*, That said lines shall not approach nearer than ten miles to the county seats of Madison or Dyer county.

Commissioners.

SEC. 3. *Be it enacted*, That Alfred T. Fielder, Isaac A. Nunn, William Smith, James Porter, John B. Boykin, Kinchen Hathaway, Henry G. Winburn, and P. M. Neall, be, and they are hereby appointed commissioners on the part of the several fractions in which they

reside, who shall before entering on the discharge of their duties, take an oath before some justice of the peace, faithfully and impartially to discharge all the duties incumbent on them in this act; and in all cases of vacancies which may occur among said commissioners previous to the organization of the county of Crockett, the same shall be filled by the other commissioners; and all vacancies occurring after the organization of the county shall be filled by said county court of Crockett. The said commissioners shall enter into bond with good and sufficient security, to be approved by the county court of Crockett, in the sum of five thousand dollars, conditioned, for the faithful performance of their duties. A majority of said commissioners shall constitute a board competent to do all things herein enjoined on them; they shall keep a regular record of all their proceedings as commissioners, which shall be returned to the county court of Crockett at its first session, and the same shall be recorded by the clerk thereof on the records of said court; and they shall make such returns, after the organization of said court, as shall be directed thereby.

SEC. 4. *Be it enacted*, That for the due administration of justice, the different courts, to be holden for said county of Crockett, shall be held at Cageville until the seat of justice of said county shall be established, and when said seat of justice shall be established, and the necessary buildings erected for the accommodation of the courts, the said courts shall, forever thereafter, be holden at the said seat of justice. The courts for the county of Crockett shall be under the same rules, regulations and restrictions, and shall have, hold, exercise and possess the same powers and jurisdictions as prescribed by law for holding courts in other counties. Said county of Crockett shall be attached to the tenth judicial circuit, and the circuit courts shall be held by the judge of said circuit, on the last Mondays of January, May and September, in each and every year. And the citizens of said county may file bills in chancery in either of the chancery courts held at Trenton or Brownsville, at their option.

SEC. 5. *Be it enacted*, That all officers, civil or military, now holding offices in said county, shall continue to hold their offices, and exercise all the powers and functions thereof, until others are elected according to law; and the courts of Crockett shall, at their first regular session, elect their officers, who shall hold their office until the next regular election of officers, to be made by existing laws.

*Shall sell.*

**SEC. 6.** *Be it enacted,* That the commissioners appointed by this act, shall appoint such person as they may think proper to open and hold the election for county officers for the said county of Crockett, and such person so appointed, shall have power to appoint deputies, clerks and judges, and by himself and deputies to administer all the necessary oaths, and do and perform all other duties, now made the duty of sheriffs or other officers holding similar elections; and it shall be the duty of such person, so appointed, together with his deputies, to open and hold an election in each civil district of said Crockett county, at such time as said person may appoint, within sixty days after this act shall be in force and take effect, for the purpose of electing the county officers of said county, and the officers so elected shall hold their offices until the next regular election for officers in the other counties of the State.

*Seat of Justice.*

**SEC. 7.** *Be it enacted,* That it shall be the duty of the above mentioned commissioners, as soon as convenient, after the organization of said county of Crockett, to select and procure, by purchase or otherwise, a suitable site for the seat of justice of said county of Crockett, having a due regard for the convenience and wishes of a majority of the legal voters of said county of Crockett; and the said commissioners having caused a deed to be made to them and their successors in office, with general warranty, for a sufficient quantity of land, including the site so selected, shall cause a town to be laid off thereon, with such number of streets and alleys of such width as they may deem necessary, reserving a sufficient quantity of land for a public square. Said commissioners shall select and reserve from sale one lot on which to erect a public jail of said county of Crockett, and said town, so laid off, shall receive such name as the above mentioned commissioners may give it. *Provided,* That said commissioners shall nominate not exceeding two sites for said seat of justice, which places shall in no event be further than three miles from the centre of said county of Crockett, which places shall be voted for by the legal voters of said county of Crockett, and the site receiving the greatest number of votes shall be, and is hereby declared the seat of justice of said county.

*Shall sell Lots.*

**SEC. 8.** *Be it enacted,* That the commissioners of said county shall sell the lots in said town on a credit of one and two years, first giving due notice thereof in one or more newspapers printed in the Western District, and take bonds with good and sufficient security from the

purchaser or purchasers, payable to themselves and their successors in office, and shall make title in fee simple, as commissioners, to the respective purchasers of said lots, when the same shall be paid for.

Sec. 9. *Be it enacted*, That the proceeds of the sale of the lots in said town, shall be a fund in the hands of the said commissioners, with which to defray the necessary expenses incurred in the purchase of said tract of land on which to erect said town, as well as the necessary expenses incurred in erecting the public buildings of said town; and should there be a surplus, after defraying the above mentioned expenses, it shall be the duty of said commissioners to pay over the same to the trustee of said county, to be accounted for by him as other funds in his hands. And it shall be the further duty of said commissioners to superintend the erection of such public buildings as the county court of said county may direct to be built, and shall let the same out, and shall take bond from the undertakers, with ample security, payable to themselves and their successors, conditioned for the faithful performance of his or their contract. Erect buildings.

Sec. 10. *Be it enacted*, That it shall be the duty of said commissioners to appoint five suitable and qualified individuals to divide said county into civil districts, and designate the places for holding elections in said districts, and perform all the duties relative thereunto, which by the laws of this State such commissioners are required to do. Civil Districts.

Sec. 11. *Be it enacted*, That the county of Crockett shall form one regiment, which shall be known and designated as the 132nd regiment, and shall be attached to the 19th brigade. The militia officer or officers highest in command, included in said county of Crockett, shall, at such time and places as he or they may designate, call all the commissioned officers together, and such of them as shall attend, are hereby authorized and empowered to lay off said county into battalions and companies, and provide for holding elections for the purpose of electing all officers in said regiment, in the manner prescribed by law. 132d Regiment.

Sec. 12. *Be it enacted*, That the said commissioners of Crockett county, be, and they are hereby authorized to exercise all the powers conferred in this act, and such further powers as may be necessary and proper for the complete organization of said county.

Sec. 13. *Be it enacted*, That an academy is hereby established at the county seat of said county of Crockett, with all the rights and emoluments of other Academy.

county academies of the State, and the county court shall appoint trustees therefor, as in other counties, and shall name the same.

*When to take effect.* SEC. 14. *Be it enacted*, That this act shall take effect and be in force so soon as the proposed amendments of the constitution for the establishment of new counties shall have been adopted.

*County of Hatchee.* SEC. 15. *Be it further enacted*, That in the event a constitutional majority of the people vote in favor of the proposed amendments of the constitution providing for certain new counties specified in said proposed amendments, which said vote is to be taken at the August elections, 1853, and whenever the governor shall make proclamation, that said amendment, providing for said new counties, has been accepted by a majority of the people, or any other official information shall be published, giving information of this fact, then and in that event, David Young, John Gooch, Fountain P. Duke and John A. McAlpin, of McNairy county, and Joseph Rossou, Robert Rankin, R. P. Neely, W. O. Ferguson, and Wilie J. Davis, of Hardeman county, be, and hereby are appointed commissioners to run and mark the lines of the county of Hatchee, as proposed in said amendments, to be formed out of equal portions of McNairy and Hardeman counties. *Provided further*, That the lines of the said new county of Hatchee shall not run nearer than ten miles, on a straight line, of Bolivar, in the county of Hardeman, and Purdy, in McNairy county, and shall not contain more than three hundred and fifty square miles, and may consist of less. And the commissioners shall report to the next legislature, which shall provide for the organization of said county of Hatchee immediately. *And provided further*, That when said commissioners shall have run and marked the lines of said new county of Hatchee, then it shall be the duty of the constables in each civil district, of each fraction included in said new county, to open and hold an election of the qualified voters in each of said fractions composing said new county, after giving twenty days notice in five places, and the question voted on, shall be "for the new county," "against the new county," and returns of the polls shall be made to the Secretary of State, whose duty it shall be to report the same to the next General Assembly.

*Modeld Bond county.* SEC. 16. *Be it enacted*, That in the event a constitutional majority of the people vote in favor of the proposed amendments of the constitution, providing for certain new counties specified in said proposed amendments, which said vote is to be taken at the August

election, 1853, and whenever the governor shall make proclamation, that said amendments, providing for said new counties, have been accepted by a majority of the people, or any other official information shall be published, giving notice of that fact, then and in that event, John Rivers, Dr. Bird, William Edwards, Col. Hill, Esq. Anderson, and Duke Donnelson, of the county of Obion, be, and are hereby appointed commissioners to run and mark the line of the new county of Madrid Bend, as proposed in said amendment, to be formed out of that portion of Obion county, lying west of the Reel Foot Lake.

JORDAN STOKES,

*Speaker of the House of Representatives.*

M. R. HILL,

*Speaker of the Senate.*

Passed, February 24, 1851.

## CHAPTER CXCVI.

AN ACT to apportion the Representation in the Congress of the United States.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Tennessee,* That the counties of Johnson, <sup>1st District.</sup> Carter, Sullivan, Washington, Hawkins, Greene, Cocke, Jefferson, Hancock and Sevier, shall compose the first Congressional District.

The counties of Grainger, Claiborne, Campbell, Scott, <sup>2d District.</sup> Anderson, Knox, Morgan, Fentress and Overton, shall compose the second Congressional District.

The counties of Blount, Monroe, Polk, McMinn, <sup>3d District.</sup> Meigs, Rhea, Bledsoe, Bradley, Hamilton, Marion and Roane, shall compose the third Congressional District.

The counties of Jackson, Macon, Smith, DeKalb, <sup>4th District.</sup> White, Warren, Coffee, Grundy and Van Buren, shall compose the fourth Congressional District.

The counties of Sumner, Wilson, Rutherford, Cannon <sup>5th District.</sup> and Williamson, shall compose the fifth Congressional District.

The counties of Franklin, Bedford, Marshall, Lincoln <sup>6th District.</sup> and Maury, shall compose the sixth Congressional District.

The counties of Giles, Lawrence, Wayne, Hardin, <sup>7th District.</sup> McNairy, Perry, Decatur, Benton, Humphreys, Hickman and Lewis, shall compose the seventh Congressional District.

**8th District.** The counties of Davidson, Robertson, Montgomery, Stewart and Dickson, shall compose the eighth Congressional District.

**9th District.** The counties of Henry, Weakley, Dyer, Obion, Lauderdale, Tipton, Gibson, Carroll and Henderson, shall compose the ninth Congressional District.

**10th District.** The counties of Madison, Haywood, Hardeman, Fayette and Shelby, shall compose the tenth Congressional District.

**New Counties.** SEC. 2. *Be it enacted*, That any new county or counties, which may be made out of any of the above counties, shall vote with the county or counties from which they may be respectively taken, until the next apportionment of representation in the General Assembly.

**Elections.** SEC. 3. *Be it enacted*, That the several sheriffs in the different counties in this State shall on the day succeeding the day of election for members to Congress in the several districts as organized in the preceding portion of this act, make out triplicate certificates of the number of votes for each candidate, one of which shall be retained by the sheriffs respectively, and the other two certificates shall be transmitted by them in different mails immediately thereafter to the governor, who upon the receipt of the returns thus certified, shall deliver to the candidates having the highest number of votes in their respective districts, a certificate of their election as representatives to the Congress of the United States.

**Penalty on Sheriff.** SEC. 4. *Be it enacted*, That if any sheriff shall fail, neglect, or refuse for the space of twenty days to perform any of the duties required of him in this act, such sheriff shall forfeit the sum of five hundred dollars, to be recovered by action of debt by any person who may sue for the same, and shall moreover be held and deemed guilty of a misdemeanor in office, and subject to indictment before the circuit court of the county where such delinquency may happen.

JORDAN STOKES,

*Speaker of the House of Representatives.*

M. R. HILL,

*Speaker of the Senate.*

Passed, February 20, 1852.

## CHAPTER CXCVII.

AN ACT to apportion the representation in the General Assembly of the State of Tennessee.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee.* That until the next enumeration and apportionment of the free white male voters of this State, the following counties shall elect, each one Representative, to wit: Sullivan, Washington, Greene, Hawkins, Cocke, Jefferson, Grainger, Claiborne, Knox, Blount, Monroe, Roane, McMinn, Bradley, Hamilton, Marion, Franklin, Cannon, Warren, White, Overton, Jackson, Smith, DeKalb, Sumner, Rutherford, Bedford, Lincoln, Marshall, Williamson, Robertson, Montgomery, Stewart, Dickson, Hickman, Maury, Giles, Lawrence, Wayne, Hardin, Henderson, Carroll, Henry, Weakley, Obion, Gibson, Madison, McNairy, Hardeman, Fayette, and Haywood, and the polls shall be compared at their respective court-houses. County Representatives.

SEC. 2. *Be it enacted,* That the following counties shall, each, elect two Representatives, to wit: Wilson, Davidson and Shelby.

SEC. 3. *Be it enacted,* That the following counties shall, jointly, elect one Representative, to wit: Carter and Johnson shall elect one, and the polls shall be compared at Elizabethton. Precincts.

The counties of Greene, Hawkins, Hancock and Jefferson shall elect one, and the polls shall be compared at Rogersville.

The counties of Knox and Sevier shall elect one, and the polls shall be compared at the residence of Glascoe Snoddy.

The counties of Anderson and Campbell shall elect one, and the polls shall be compared at Rossville.

The counties of Scott, Morgan and Fentress shall elect one, and the polls shall be compared at Montgomery.

The counties of Polk, McMinn and Meigs shall elect one, and the polls shall be compared at Athens.

The counties of Rhea, Klesoe and Hamilton shall elect one, and the polls shall be compared at Washington.

The counties Grundy, Coffee and Van Buren shall elect one, and the polls shall be compared at Altemont.

The counties of Smith, Sumner and Macon shall elect one, and the polls shall be compared at Hartsville.

The counties of Davidson, Robertson and Montgomery shall elect one, and the polls shall be compared at Springfield.

The counties of Rutherford and Bedford shall elect one, and the polls shall be compared at Fosterville.

The counties of Lincoln, Marshall and Giles shall elect one, and the polls shall be compared at the residence of W. F. Smith.

The counties of Williamson, Maury and Lewis shall elect one, and the polls shall be compared at Columbia.

The counties of Benton and Humphreys shall elect one, and the polls shall be compared at Reynoldsburg.

The counties of Perry and Decatur shall elect one, and the polls shall be compared at Linden.

The counties of Carroll, Gibson, Madison and Henry shall elect one, and the polls shall be compared at McLemoresville.

The counties of Dyer and Lauderdale shall elect one, and the polls shall be compared at Rutherford's school house, in Lauderdale county.

The counties of Tipton, Shelby and Fayette shall elect one, and the polls shall be compared at Concordia.

Senatorial Dis-  
tricts.

SEC. 4. *Be it enacted*, That until the next apportionment and enumeration of the free white males of this State, the following counties shall compose the Senatorial Districts, to wit: The counties of Johnson, Carter, Washington and Sullivan shall compose one Senatorial District, and the polls shall be compared at Elizabethton.

The counties of Hawkins, Hancock and Jefferson shall compose one Senatorial District, and the polls shall be compared at Rogersville.

The counties of Greene, Cocke, Sevier and Blount shall compose one Senatorial District, and the polls shall be compared at Fair Garden.

The counties of Claiborne, Grainger, Anderson and Campbell, shall compose one Senatorial District, and the polls shall be compared at the widow Sharp's mill.

The counties of Knox and Roane shall compose one Senatorial District, and the polls shall be compared at Richard Meredith's old place.

The counties of Morgan, Scott, Fentress and Overton shall compose one Senatorial District, and the polls shall be compared at Jamestown.

The counties of Meigs, McMinn, Polk and Monroe shall compose one Senatorial District, and the polls shall be compared at Athens.

The counties of Rhea, Bledsoe, Bradley, Hamilton and Marion shall compose one Senatorial District, and the polls shall be compared at Harrison.

The counties of White, Jackson and Macon shall compose one Senatorial District, and the polls shall be compared at Gainsboro'.

The counties of Smith and Sumner shall compose one Senatorial District, and the polls shall be compared at Hartsville.

The counties of Wilson and DeKalb shall compose one Senatorial District, and the polls shall be compared at Alexandria.

The counties of Rutherford and Williamson shall compose one Senatorial District, and the polls shall be compared at Triune.

The counties of Bedford and Marshall shall compose one Senatorial District, and the polls shall be compared at Farmington.

The counties of Warren, Cannon, Coffee, Grundy and Van Buren shall compose one Senatorial District, and the polls shall be compared at McMinnville.

The counties of Franklin and Lincoln shall compose one Senatorial District, and the polls shall be compared at Lynchburg.

The counties of Giles, Lawrence and Wayne shall compose one Senatorial District, and the polls shall be compared at Lawrenceburg.

The counties of Maury, Lewis, Hickman and Dickson shall compose one Senatorial District, and the polls shall be compared at Centreville.

The county of Davidson shall compose one Senatorial District, and the polls shall be compared at Nashville.

The counties of Robertson, Montgomery and Stewart shall compose one Senatorial District, and the polls shall be compared at Clarksville.

The counties of Benton, Humphreys, Perry, Decatur and Henderson shall compose one Senatorial District, and the polls shall be compared at the mouth of Morgan's creek.

The counties of Hardin, McNairy and Hardeman shall compose one Senatorial District, and the polls shall be compared at Purdy.

The counties of Henry, Weakley and Obion shall compose one Senatorial District, and the polls shall be compared at Dresden.

The counties of Gibson, Carroll and Dyer shall compose one Senatorial District, and the polls shall be compared at Trenton.

The counties of Madison, Haywood, Lauderdale and Tipton shall compose one Senatorial District, and the polls shall be compared at Brownsville.

The counties of Fayette and Shelby shall compose one Senatorial District, and the polls shall be compared at Samuel Leak's, in Shelby county,

SEC. 5. *Be it enacted*, That the citizens of the new

**New Counties.** counties made under the amendments to the constitution shall vote with the respective counties from which they may be taken, for Senators and Representatives until the next apportionment.

**SEC. 6.** *Be it enacted,* That the returning officers of the respective counties shall compare the votes cast in the election of Senators and Representatives at the places above specified on the Monday succeeding the day of election.

JORDAN STOKES,  
*Speaker of the House of Representatives.*  
M. R. HILL,  
*Speaker of the Senate.*

Passed, February 19, 1852.

## CHAPTER CXCVIII.

**AN ACT** to authorize the Comptroller to issue warrants for the payment of money ordered to be paid by virtue of any Resolutions passed by the General Assembly, and for other purposes.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Tennessee,* That the Comptroller shall be, and he is hereby authorized to issue his warrant to the Treasurer for the payment of any sum or sums of money heretofore or hereafter authorized to be paid by virtue of any resolutions passed by both Houses of the General Assembly.

**SEC. 2.** *Be it enacted,* That the act entitled "an act to better regulate the manner of keeping the finances of the Penitentiary and for other purposes," passed at the present session of the Legislature, take effect from the time of the passage of said act.

**SEC. 3.** *Be it enacted,* That this act take effect from and after its passage.

JORDAN STOKES,  
*Speaker of the House of Representatives.*  
M. R. HILL,  
*Speaker of the Senate.*

Passed, February 26, 1852.

## CHAPTER CXCI.

AN ACT to incorporate the Nashville and Memphis Rail Road Company.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That for the purpose of completing <sup>Incorporation.</sup> a communication by rail road, from one end of the State to the other, the formation of a company for the construction of rail road from Nashville to Memphis, pursuing the nearest and most eligible route from the one city to the other, crossing the Tennessee river between Ross' Ferry and one mile below White Oak Island, said route to be ascertained and defined by survey, is hereby authorized, which when formed, in pursuance of the provisions hereinafter prescribed, shall be a body corporate by the name and style of the Nashville and Memphis rail road company, they shall have perpetual succession, and by said corporate name shall sue and be sued, and have all the powers, rights and privileges, and be subject to all the restraints so far as such provisions may be applicable, which are contained in the acts incorporating the Nashville and Chattanooga and the Memphis and Charleston rail road companies, together with the acts amendatory of the same as fully as if herein set forth at length, and the same are hereby declared to form and constitute a part of the charter hereby granted to the Nashville and Memphis rail road company. *Provided*, That the prohibition herein contained against granting a charter for the construction of any lateral or parallel road or roads, shall not be applicable to this charter nor to the charter of any other road or roads to be constructed from Nashville to the Mississippi river, or to or through any other part of the State of Tennessee, lying west of the Tennessee river. *And provided further*, That nothing in this act, shall be so construed as to authorize the Governor to endorse the bonds of said company.

SEC. 2. *Be it enacted*, That the capital stock of said company shall amount to the sum of three millions of <sup>Capital Stock.</sup> dollars, with power to open books and increase the same to an amount sufficient to insure the completion of said road. Books for the subscription of the capital stock of said company, in shares of twenty-five dollars each, shall be opened on the first Monday in July, 1852, and shall be kept open for the period of thirty days, between the hours of ten o'clock in the morning, and four o'clock in the afternoon of each day, at the following places and by the following commissioners, to wit:

Commissioners.

at Huntingdon, in Carroll county, by Isaac R. Hankins, B. S. Allen and William Herron; at Camden, in Benton county, by William McCutchin, A. Lashley, D. P. Hudson, E. Perkins, Mark McCauley and Dr. Travis; at Waverly, in Humphreys county, by B. B. Spicer, Whitby White, T. B. Gorin, James Gates, Colman Harris, Basefield and Richard Batson; at McMoresville, in said county of Carroll, by James Brannock, A. H. Smith and Edward Gwinn; at Lexington, in Henderson county, by James M. Hart, William Brooks, Robt. Hall, William B. Hall and A. S. Shrewsbury; at Trenton, in Gibson county, by S. H. Shaw, Smith Parks, N. J. Hess, James M. Moore and William Jordan; at Jackson, in Madison county, by Andrew Guthrie, James L. Talbot, Stephen Sypert, B. R. Parsons, Cyrus Simmonds and William D. Searcy; at Denmark, in said county, by Thomas Tarver, Isaac Skillen, David Merryweather, John Ingram and Andrew Read; at Brownsville, in Haywood county, by William H. Loving, L. W. Campbell, James Bond, Thos. W. Tyus and H. W. Cotter; at Wesley in said county, by Joseph B. Stanton, W. B. Maclin, Solomon Green, C. Spencer and Wm. Hare; at Covington, in Tipton county, by W. C. Hazen, Isaac R. Bledsoe, Charles Fisher, Malcolm Green and Alexander W. Smith; at Sommerville, in Fayette county, by Henderson Owen, Joel L. Pullian, J. Higgason, Henry L. Cammon and Philip B. Glenn; at Raleigh, in Shelby county, by S. B. Hankins, Robt. L. Smith, S. M. Allen, Samuel Bond and Fletcher Taylor; at Memphis, by Sterling Fowlkes, Wiley B. Miller, Robertson Topp, Adlai O. Harris, Wardlow Howard and John Pope; at Bolivar, by John H. Bills, Pitser Miller, Austin Miller, Levi Joy and T. C. Coats; at Whiteville, in Hardeman county, by Thos. B. Normont, Wm. F. Haws, Wm. B. Crowder, Thos. Shaw; and at Decaturville, Stephen Jarmon, C. Pettegrew, F. J. Pavatt and J. L. Huston, any three of which said commissioners at their respective places aforesaid, may act.

SEC. 3. *Be it enacted*, That said commissioners or a majority of them, at each of the places aforesaid, shall receive subscriptions for stock in said rail road company, during the time the said books are directed to be kept open, and on each share so subscribed, shall demand and receive the sum of fifty cents, and as soon as the time for receiving subscriptions shall have expired, the said commissioners shall respectively deposit all the money they may have received, in some incorporated bank or banks of good standing, to the credit of the Nashville

and Memphis rail road company, and subject to the order of the President of the board of commissioners hereinafter appointed; and shall also forward a correct list of all subscribers to said stock, with the number of shares each subscriber has taken, to a board of commissioners in Memphis, to be composed of the following persons, to wit: Sterling Fowlkes, Wiley B. Miller, Robertson Topp, Adlai O. Harris, Wardlow Howard, John Pope, S. B. Hawkins, Robt. L. Smith, S. M. Allen, Samuel Bond and Fletcher Taylor, who may establish rules to govern their proceedings, and who or a majority of whom, may choose their President and appoint such other officers and agents as they may think proper, and prescribe their duties; and who or a majority of whom, shall meet in Memphis, on the first Monday in August next, ascertain the whole number of shares taken in said company, and publish the same in one newspaper published in Nashville, and in some newspaper published in Memphis.

Commissioners  
in Memphis.

SEC. 4. *Be it enacted*, That if the sum of seven hundred thousand dollars shall have been subscribed, the Nashville and Memphis rail road company, shall be regarded as formed, and thenceforth, and from the day of closing the books of subscription as aforesaid, the said subscribers of stock shall form a body politic and corporate, in deed and in law, by the name and for the purpose aforesaid, and in all things to be represented by the board of commissioners aforesaid, until the election of a board of directors as hereinafter prescribed.

When formed.

SEC. 5. *Be it enacted*, That the board of commissioners herein before named, or a majority of them, shall open and hold an election for a President and seven Directors, at some central point, of which notice shall be given, on the first Monday in October, 1852, each share shall be entitled to one vote, and each shareholder may vote by proxy, in the same manner as is provided for the election of President and Directors of the Memphis and Charleston rail road company. The President and Directors thus chosen, shall have power to locate the line of the road; to choose a competent engineer and such other officers and agents, as the necessities of the company may require, as is provided for in the act incorporating the Memphis and Charleston rail road company. *Provided*, That if the stock shall not have been subscribed, at the period or periods before prescribed, this charter shall not be forfeited, but books may be re-opened, from time to time; and when a sufficient quantity shall have been subscribed, the commissioners at Memphis, shall give notice of the

Election

fact, and proceed to the election for President and Directors, as hereinbefore provided.

Powers.

SEC. 6. *Be it enacted*, That said rail road company shall have power to re-open books for subscription of stock sufficient to insure the completion of said road, in the manner and on the terms herein before required, and they may designate commissioners for that purpose, either within the State or without it, they shall have power to purchase and select their depots along the line of the road, and at Memphis east of the Bayou Gayoso, and they may cross the west side of the bayou, and may locate a line of rail-way within the limits of the corporation. *Provided*, The Mayor and Aldermen of Memphis assent thereto, and the cars are drawn within the corporate limits of said city by horses, and instead of extending their western terminus to Memphis, they may connect themselves with the line of the Memphis and Charleston rail road company, at such points towards the western terminus of the road, and on such terms and conditions, as may be agreed upon by said rail road companies, and the Tennessee Central rail road company, under the same terms and conditions, may construct their road from Fulton, and may connect with the Nashville and Memphis rail road at such point as they may elect.

JORDAN STOKES,

*Speaker of the House of Representatives.*

M. R. HILL,

*Speaker of the Senate.*

Passed, February 4, 1852.

## CHAPTER CC.

AN ACT to incorporate the Fire Association of Nashville.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the "Fire Association of Nashville," is hereby incorporated by the name and style aforesaid, with power to continue its organization, to have and use a common seal, the same to alter at pleasure, to make all such by-laws, rules and regulations for the government of said association as shall not be repugnant to or inconsistent with any established laws.

SEC. 2. Said Fire Association shall have a President,

Vice President, Secretary and Treasurer, to be elected at such times and in such manner as the rules of said Association shall determine.

Sec. 3. The members of said Fire Association shall consist of such representatives of the different fire companies of Nashville, as they shall elect agreeably to the constitution, by-laws, &c. of said Fire Association.

Sec. 4. The said Fire Association shall have power to establish a Benevolent Fund, for the relief of disabled firemen, subject to such rules and regulations, which have been or may hereafter be passed for its government.

Sec. 5. Said Benevolent Fund shall never be used for any other purpose than the one specified in the constitution, by-laws, rules and regulations of said Fire Association.

JORDAN STOKES,  
*Speaker of the House of Representatives.*  
M. R. HILL,  
*Speaker of the Senate.*

Passed, February 25, 1852.

## CHAPTER CCI.

AN ACT for the benefit of M. C. Bowles.

*Be it enacted by the General Assembly of the State of Tennessee,* That the county court of Henry county, be authorized to pay Mathew C. Bowles, such sum of money as they may think just and reasonable for extraordinary services and expenses, performed and incurred by him as trustee of said county.

JORDAN STOKES,  
*Speaker of the House of Representatives.*  
M. R. HILL,  
*Speaker of the Senate.*

Passed, February 25, 1852.

## CHAPTER CCII.

AN ACT to authorize the Comptroller and Treasurer to procure offices.

*Be it enacted by the General Assembly of the State of Tennessee,* That the Comptroller and Treasurer of the State, be and they are hereby authorized to rent a safe and suitable building for offices, for their use, as convenient to the Bank of Tennessee as may be practicable, and that the Bank of Tennessee be, and is hereby authorized and requested to pay reasonable rent for the same.

JORDAN STOKES,  
*Speaker of the House of Representatives.*  
M. R. HILL,  
*Speaker of the Senate.*

Passed, February 21, 1852.

## CHAPTER CCIII.

AN ACT to amend an act entitled an act to authorize Cain Broyles, of the county of Greene, to open and establish a turnpike road across Paint Mountain.

*Be it enacted by the General Assembly of the State of Tennessee,* That the 7th section of the above recited act, be so amended, that the charter to the said turnpike road, is hereby given and granted to the said Cain Broyles and his heirs or assigns, and he is hereby authorized to enjoy the benefits of the same for the term of ninety-nine years from and after the passage of this act.

JORDAN STOKES,  
*Speaker of the House of Representatives.*  
M. R. HILL,  
*Speaker of the Senate.*

Passed, February 25, 1852.

## CHAPTER CCIV.

AN ACT to establish the Citizens' Bank of Nashville and Memphis.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That there shall be established a Bank in Nashville, the capital stock of which, shall be two hundred thousand dollars, and it shall be divided into shares of one hundred dollars each; and books for subscription thereof, shall be opened on the 8th day of March, or any time thereafter, in the city of Nashville, under the superintendence of the following commissioners, to wit: William T. Berry, N. E. Alloway, James Ellis, Charles E. Hillman, John B. Johnson, Albert G. Payne and John H. Smith, any three of said commissioners shall be sufficient to perform the duties of their appointments, and they shall keep the books open for subscription, at least ten days, and the amount of the shares so subscribed shall be paid for in gold or silver, as follows, to wit: five dollars upon each share to the commissioners, and five dollars at the time the directors are elected, and ninety dollars to the directors of the Bank for the time being, in such installments as they may from time to time require, and if the full amount of two hundred thousand dollars shall not be subscribed, during the time at which the books for subscription are authorized to be kept open, then it shall be lawful for the directors to keep open said books at such time and at such places as they may desire, until the whole shall be subscribed for.

Commissioners.

SEC. 2. *Be it enacted,* That with the consent of two thirds of the stockholders in said Bank, the capital stock may be increased to five hundred thousand dollars.

May increase capital.

SEC. 3. *Be it enacted,* That so soon as one thousand shares of the capital stock shall have been subscribed, an election shall be held for directors; the commissioners appointed at Nashville, giving thirty days notice in one or more of the Nashville newspapers, who shall proceed forthwith to organize said Bank, and continue in office until the next stated election, and until a new board shall be formed, said election to be held by said commissioners at Nashville.

Election of Directors.

SEC. 4. *Be it enacted,* That the subscribers to said Bank, their successors and assigns, shall be, and they are hereby created a body politic and corporate, in law and in fact, by the name and style of the Citizens' Bank of Nashville and Memphis, and shall so continue until the first day of January, eighteen hundred and

Incorporation.

eighty-one, (1881) and no longer; and by the name and style aforesaid, they shall be and are hereby made able and capable in law to make, have and use a common seal, and the same to break, alter and renew at their pleasure, and also to ordain, establish, and put into execution such by-laws, ordinances, and regulations, as shall seem necessary and convenient for the government and management of said corporation, not being contrary to the laws of this State, or of the United States; and generally to do and execute all acts, matters and things, which a corporation or body politic in law, may and can lawfully execute.

SEC. 5. *Be it enacted*, That so soon as the stock is all subscribed for, and the board of directors organized, the commissioners shall pay over and deliver unto them the amount paid into their hands by the subscribers to the capital stock.

Board of Directors.

SEC. 6. *Be it enacted*, That for the due administration of the affairs of said Bank, there shall be five directors, citizens of this State, who shall be elected annually at the banking house in Nashville, on the first Monday in April, by the stockholders; and the directors at their first meeting after each election, shall appoint one of their body President, and another Cashier of said Bank; *And provided*, That if at any time it should so happen, that an election of directors should not be made upon any day, when in pursuance of this act it ought to have been made, the said corporation shall not for that cause be deemed dissolved, but it shall be lawful at any other time to make such election within thirty days thereafter, in such manner as shall have been regulated by the laws or ordinances of said corporation; and in case of the death, resignation or removal from the State of any director, his place shall be filled by the remaining directors, or a majority of them, until the next annual election.

May appoint Officers.

SEC. 7. *Be it enacted*, That the directors for the time being, shall have power to appoint such officers, clerks, and servants under them, as shall be necessary for executing and transacting the business of said corporation, and to allow them such compensation as shall be reasonable for their services; and shall be capable of exercising all such other powers and authorities, as shall be by them deemed expedient for the well governing and ordering of said corporation.

Powers of Planter's Bank adopted.

SEC. 8. *Be it enacted*, That the fundamental articles for the regulation and government of the Planter's Bank of Tennessee, as enacted in the act of November

30th, 1833, establishing said Bank, shall be the fundamental articles for the regulation and government of the corporation and Bank hereby created, with the exception of articles fourth and fourteenth, in the eighth section of said act, creating said Bank.

SEC. 9. *Be it enacted*, That the said corporation shall not at any time suspend or refuse payment of any of the notes, bills, or obligations thereof, nor of any money received on deposit in said Bank, when demanded by the holder or depositor, at the place where the same is made payable, in gold or silver, and in case of such refusal, the holder of such note, bill, or obligation, or the person or persons entitled to receive such money deposited as aforesaid, shall be respectively entitled to interest from the time of such demand and refusal, at the rate of ten per cent. per annum, until paid by said Bank or corporation, or until the same can be recovered or made by law from the real or personal effects of the then existing stockholders in said Bank or corporation, who are hereby held individually liable for the redemption of all the notes, bills, and obligations of any nature and kind whatever of said Bank. Individual liability.

SEC. 10. *Be it enacted*, That not less than three directors shall constitute a board for the transaction of business, of whom the President shall always be one, except in case of sickness or necessary absence, in which case a President *pro tem*, may be appointed by the directors present. Quorum.

SEC. 11. *Be it enacted*, That in consideration of the privileges granted by this charter, the Bank agrees to pay to the State annually, the one half of one per cent. on the amount of capital stock paid in, which said bonus is hereby appropriated to the use of common schools throughout the State. Bonus.

SEC. 12. *Be it enacted*, That the bills which it shall be lawful for such corporation to issue, shall not be for a less denomination than one dollar, nor of a greater denomination than one hundred dollars, and said Bank may also have the power to establish one other office at any other place in this State, by consent of a majority of the stockholders in said Bank. *Provided*, That the Legislature reserves the right to repeal, or alter so much of the foregoing section as applies to the said last named branch or office. *And provided further*, That the Legislature may at any time hereafter repeal the powers herein allowed to issue notes of a less denomination than five dollars. Denomination of notes. May establish branch.

SEC. 13. *Be it enacted*, That the directors shall keep fair and regular minutes of their proceedings, and on

any question when a director shall require it, the yeas and nays of the directors shall be duly entered.

Office at Mem-  
phis.

SEC. 14. *Be it enacted*, That said Bank establish an office in the city of Memphis, in the county of Shelby, at the same time, and under the same rules, regulations and restrictions for its government as are herein prescribed.

SEC. 15. *Be it enacted*, That said President and Directors of said Bank may issue bills or notes, payable on demand at their office in Memphis.

SEC. 16. *Be it enacted*, That the bills and notes issued by this Bank, payable either at Nashville or in Memphis, shall in no case exceed one hundred per cent. above the amount of the capital stock paid in.

Scire facias may  
issue.

SEC. 17. *Be it enacted*, That whenever the Legislature may be of opinion, that the charter of the corporation hereby granted, shall have been violated, and that the same has been forfeited, it may and shall be lawful, by joint resolution, to direct a *scire facias* to issue from the circuit court of Davidson county, in the name of the State of Tennessee, calling upon said corporation to show cause why the said charter hereby granted, shall not be declared forfeited; and service of said *scire facias* upon the president and any two of the directors, shall be deemed a sufficient service upon said corporation, and it shall be lawful for said court, and they shall have full power upon the return of the *scire facias* being made known, to examine into the truth of such alleged violation, and if such violation be made to appear, then to announce and adjudge that the said charter is forfeited and annulled. *Provided however*, That the said *scire facias* shall specify with precision the nature of the complaint, and grounds upon which the forfeiture is claimed; and every issue of fact which may be made between the State and said corporation, shall be tried by a jury for that purpose to be empanelled. And in addition to the writs of *scire facias* provided in this section, the provisions of the act of January 8th, 1846, entitled "an act concerning corporations," chap. 55, shall apply to the corporation by this act established, and proceedings may be had under said act of 1846.

Right to hold  
real estate.

SEC. 18. *Be it enacted*, That the lands, tenements, hereditaments and other property, which it may be lawful for said corporation to hold, shall be only such as shall be requisite for its immediate accommodation for the transaction of its business, and such as have been *bona fide* mortgaged to it by way of security, or conveyed to it in satisfaction of debts previously con-

tracted in the course of ordinary banking business, or purchased at sales upon judgments, or decrees rendered in favor of said Bank.

SEC. 19. *Be it enacted*, That it shall be the duty of said corporation to keep a book in which a statement at the end of every week shall be entered, of the amount of capital stock, the amount of real estate, the amount of funds upon hand, and the amount of debts due said Bank, and also the amount of notes, bills, or obligations due from said Bank, and the amount of money upon deposit, which book shall be opened for the inspection of any stockholder who wishes to examine the same; and the books and accounts of said Bank shall at all times be open to the examination of any one or more of the directors of said Bank, whether the board be in session or not.

Book may be inspected.

SEC. 20. *Be it enacted*, That if deemed expedient, the directors of said Bank, or a quorum of them, shall be in attendance daily at said Bank, and the stockholders shall allow them such compensation as may be satisfactory; this section also to apply to the management of the office at Memphis.

Compensation of Directors.

SEC. 21. *Be it enacted*, That a statement of the condition of said Bank shall be made to the Legislature at each session, showing the amount of capital stock paid in; the amount of notes and bills discounted, maturing and in suit, classing the same as follows, viz: the amount good, the amount doubtful, and the amount bad; the amount of real estate and all other property held by the Bank; the amount due to, and from Banks; the amount due to depositors; the amount of stocks on hand of any kind; the amount of its notes in circulation; the amount of gold and silver, and notes of other Banks on hand; a statement of its profits and dividends declared from time to time, and setting forth such other items as pertain to a general statement of its condition. *Provided*, That the rate of interest to be enjoyed by said Bank, shall conform to the rates allowed in the charter of the Bank of Tennessee.

Statement to be made to the Legislature.

JORDAN STOKES,

*Speaker of the House of Representatives.*

M. R. HILL,

*Speaker of the Senate.*

Passed, February 25, 1852.

## CHAPTER CCV.

AN ACT to amend an act entitled an act to incorporate the Huntingdon and Tennessee river turnpike company, passed February 1st, 1850, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the first section of the above recited act, is hereby amended by an extension of the time granted in the above act of incorporation for opening books for subscription, two years from and after the passage of this act. Said first section is hereby further amended, by adding the names of John H. Hillsman, Abner E. Cooper, John H. Alexander and William E. Mitchun, of the county of Carroll, to the list of commissioners, and also by adding McLemoresville, in Carroll county, to the list of places specified in said act for opening books for subscription of stock in said road.

Road extended.

SEC. 2. *Be it further enacted*, That the eighth section of the above recited act of incorporation, is hereby amended, so as that the road shall extend from McLemoresville, in Carroll county, by way of Huntingdon and Camden.

Jacksboro' and Knoxville road.

SEC. 3. *Be it enacted*, That David Sharke, of the county of Campbell, be and is hereby appointed a commissioner for the improvement of the Jacksborough and Knoxville road, with like powers and privileges, as are granted by the said act to the commissioners of said road therein named.

JORDAN STOKES,

*Speaker of the House of Representatives.*

M. R. HILL,

*Speaker of the Senate.*

Passed, February 12, 1852.

## CHAPTER CCVI.

AN ACT to incorporate the Central Union Rail Road Company.

Incorporation

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That a body politic and corporate is hereby constituted, by the name and style of the Central Union Railroad Company, for the purpose of constructing a rail road to connect the Nashville and Chattanooga rail road with the Memphis and Charleston railroad, at or near Huntsville or Decatur, in the State of Alabama, and for that purpose, said company shall

have and enjoy all the rights, powers and privileges, and be subject to all the liabilities and restrictions prescribed in the charter of the Nashville and Chattanooga railroad company, and in the various amendments thereto, except as herein further provided.

SEC. 2. *Be it enacted*, That the Central Union Railroad company hereby created, may locate their road to begin at the town of Shelbyville, and connect with the Nashville and Chattanooga railroad at Wartrace, by the branch road to said town; or it may begin at the Nashville and Chattanooga railroad at Tullahoma, and should the Southwestern railroad, or the McMinnville and Manchester railroad unite with the Nashville and Chattanooga railroad at Tullahoma, or at any point between Wartrace and Tullahoma, then the Central Union Railroad may begin at such point or at any intermediate point between Wartrace and Tullahoma; and from such beginning point, it shall run by the most direct and practicable route to the town of Fayetteville, thence to the Alabama line in the direction of, and to unite with the Memphis and Charleston railroad at Huntsville or Decatur, or at some intermediate point in the State of Alabama.

SEC. 3. *Be it enacted*, That the capital stock of said company shall be three hundred thousand dollars, and the company may increase the same to six hundred thousand dollars, to be divided into shares of fifty dollars each, and whenever two thousand shares of capital stock are subscribed for, said company may organize by the election of a board of directors, who shall elect a president from their number, as prescribed in the charter of the Nashville and Chattanooga rail road company, and at all meetings of the stockholders when a vote is to be taken, each stockholder shall be entitled to one vote for each share of stock held by him.

SEC. 4. *Be it enacted*, That William Moore and Newton Whitaker, of Mulberry; William Tolley and John H. Taylor, of Lynchburg; David R. Smyth and Barnett Metcalf, of Cane creek; Littleberry Stone, Hugh Thomison and Alfred Smith, of Norris' creek; James Fulton, John M. Bright, James L. Thompson, William T. Ross, Moses H. Bonner, Henry Kelso, Tazwell W. Ledbetter, Charles A. French, Charles H. Edmiston and Jefferson Kelso, of Lincoln county; and John T. Neil, Robert Matthews, Thomas H. Caldwell, George W. Cunningham, William B. M. Brame and Joseph Thompson, of Bedford county, be and they are hereby constituted a board of commissioners, a majority of whom may act to manage all the affairs of the com-

Open Books.

pany, until it shall be organized by the election of a board of directors as aforesaid, to open books for the subscription of stock at such times and places as they may think proper, or to procure subscriptions by the appointment of one or more agents for that purpose, or in such manner as they may deem best, to provide for experimental surveys of routes for said railroad, and for the payment of making such surveys, and for procuring said subscriptions out of such calls on the stock subscribed for, as they may deem advisable. They shall not be compelled to require any part of the stock subscribed for to be paid in cash at the time it is subscribed; but they may require each subscriber to execute his note to the company for one dollar for each share of stock subscribed for by him, or for such amount as they may deem necessary, and it shall be lawful for the same to be sued for and recovered in the name of the company, whether organized or not, to be used in defraying the expenses incurred by the commissioners in the manner aforesaid.

Time to complete.

SEC. 5. *Be it enacted*, That said company shall have ten years to complete their said road, and shall have five years to begin the construction of the same, and whenever five miles of the road shall be completed, said company may carry on its regular business on the same.

Bonds not to issue.

SEC. 6. *Be it enacted*, That the thirteenth section of an act, passed December 11th, 1845, incorporating the Nashville and Chattanooga Railroad Company, shall not be a part of this act, and nothing contained in this act shall be so construed as to authorize the Governor to endorse the bonds of said Central Union Railroad Company.

Winchester and Alabama rail road.

SEC. 7. *Be it further enacted*, That when fifteen thousand dollars additional stock in the Winchester and Alabama Railroad company, shall be taken by citizens of Lincoln county, or by others in their behalf, said company shall have power to extend their main trunk road to Fayetteville, in said county, with all the rights, powers and privileges given to said company by their original charter, and all the acts passed amendatory thereof, and said extension shall, to all intents and purposes be, and form a part of the main trunk of said road, as fully and effectually as if the same had been authorized by the original charter or the amendments as aforesaid. And should said company construct their said rail road to Fayetteville in the same manner and style of work, as required by the charter aforesaid,

then the charter herein granted to the Central Union Railroad shall be void.

JORDAN STOKES,  
*Speaker of the House of Representatives.*  
 M. R. HILL,  
*Speaker of the Senate.*

Passed, February 18, 1852.

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## CHAPTER CCVII.

AN ACT to extend the time for the completion of the Johnson and Carter turnpike road.

*Be it enacted by the General Assembly of the State of Tennessee,* That the Johnson and Carter turnpike company, which was incorporated by an act passed 4th February, 1848, shall have the further time of two years from and after the passage of this act, to open and complete the turnpike road mentioned in said act of incorporation.

JORDAN STOKES,  
*Speaker of the House of Representatives.*  
 M. R. HILL,  
*Speaker of the Senate.*

Passed, February 25, 1852.

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## CHAPTER CCVIII.

AN ACT to amend the charter of the Memphis and Charleston Rail Road Company.

*Be it enacted by the General Assembly of the State of Tennessee,* That the charter of the Memphis and Charleston Rail Road Company, be so amended, that the number of Directors in said company be increased from nine to eleven or thirteen, whenever the board of Directors shall, in their judgment, deem it advisable.

JORDAN STOKES,  
*Speaker of the House of Representatives.*  
 M. R. HILL,  
*Speaker of the Senate.*

Passed, February 25, 1852.

## CHAPTER CCIX.

AN ACT to authorize the "New Orleans, Jackson and Northern Railroad Company" to extend their railroad from the south boundary line of the State of Tennessee west of the Tennessee river to the State of Kentucky.

WHEREAS, by resolutions adopted at a Railroad Convention began and held on the 16th day of April, A. D., 1851, at the city of New Orleans, in the State of Louisiana, it appears to this General Assembly, that the right of way and charter for a railroad to extend northward from said city of New Orleans, passing through a part of the States of Louisiana, Mississippi, Tennessee and Kentucky, to the Ohio river, having in view to connect the same, either by a bridge or ferry across the Ohio river, with the proposed great North and South Central Railroad, of Illinois, are earnestly solicited from the legislatures of the various States through which it is to pass, and also, in which said resolutions the said city of New Orleans did therein, through its representatives in said convention, pledge itself for a "very liberal aid in the construction of said road." And,

Whereas, it is deemed a matter of vital importance to this State, that a direct communication, by railroad, to the Gulf of Mexico and the great northern lakes be established. Therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the New Orleans, Jackson and Northern Railroad Company (or for the same purpose under any other style than the foregoing) when formed or organized under an act of the General Assembly of the State of Louisiana, shall be allowed the privilege of making any necessary reconnoissance and survey for the purpose of ascertaining the most eligible route for extending their said railroad through the Western District of this State, from the south boundary line of the State of Tennessee, to the south boundary line of the State of Kentucky. *Provided*, That the said New Orleans, Jackson and Northern Railroad Company shall locate their said railroad upon a line passing through said Western District, of this State, on a line at or near LaGrange, Bolivar, Jackson and Dresden, in said State.

Route.

Rights and restrictions.

SEC. 2. *Be it further enacted*, That as soon as said route shall be ascertained, the said New Orleans, Jackson and Northern Railroad Company shall be allowed the right of way for the extension and construction of their said railroad, from the south boundary line of this State to the State of Kentucky, and that they shall be entitled to all the privileges, rights and immunities, and

subject to all such restrictions as are granted, made and prescribed for the benefit, government and direction of other railroads generally in this State, granting for the government and direction of said "New Orleans, Jackson and Northern Railroad Company," (or under any other style than the above,) all the further rights, privileges, &c., heretofore granted to the Mobile and Ohio Railroad Company under an act of the General Assembly of the State of Alabama, approved February 3d, 1848, entitled "an act to incorporate the Mobile and Ohio Railroad Company, and the Tennessee Central Railroad Company."

SEC. 3. *Be it further enacted*, That the railroad authorized by this act shall be commenced within five years after the passage of this act, and shall be finished within this State in ten years thereafter, otherwise the charter hereby granted shall be void. Time to commence and complete

SEC. 4. *Be it enacted*, That for the purpose of establishing a communication by railroad between the city of Knoxville, Tennessee, in the direction of Tazewell, Claiborne county, through Cumberland Gap, and Lexington, Kentucky, the formation of a company to be called the Knoxville, Cumberland Gap and Lexington Railroad Company is hereby authorized, which when formed shall have a corporate existence in each of the States aforesaid. Knoxville, Cumberland Gap and Lexington Railroad.

SEC. 5. *Be it enacted*, That said company shall have the power to run said road from any other town or point in Kentucky, which may be nearer to Knoxville than Lexington. *Provided*, Said town or point has immediate railroad connection with Lexington, and that said company shall have the power to run the said road from any point on the East Tennessee and Virginia Railroad, which may be nearer Cumberland Gap than Knoxville. Route.

SEC. 6. *Be it enacted*, That Wm. Houston, Hugh Graham, Walter R. Evans, Lewis A. Garrett, Isaac Miller, Hu. Jones, Isaac Thomas, Daniel Huff, James Patterson, William Kincaid, and John Easley, of Claiborne; Alvis Kincaid, Ferrell H. Bratcher and Jacob Sharp, of the county of Campbell; John Jarnagin and Wm. Tate, of Anderson county; Samuel B. Boyd, Wm. H. Sneed, Horace Manard, James Williams, W. W. Williams, Olivar P. Temple, Samuel R. Rogers, Parnick George and Jacob Miller, of the county of Knox; Allen Hurst, John Bullard, Wm. M. Cocke, John F. Huddleston, Wm. Dyer, Harmon G. Lea and Doct. Samuel Shields, of Grainger county; and Gen. Wm. Brazelton, Montgomery Thornburg and Jacob Peck, of the county of Jef- Committee.

person, together with such other persons as may be appointed by law in the State of Kentucky, and they are hereby appointed commissioners to open books for subscription of stock in said railroad company, at such times and places as they may designate and appoint, and may appoint and employ agents for this purpose, and any two of said commissioners, in each county, shall be fully competent to act in the premises, and on each share subscribed, shall demand and receive fifty cents, without which the subscription shall be void.

Central Com-  
mission.

SEC. 7. *Be it enacted*, That said commissioners may keep said books open until the first of November next, and at that time they shall make a report of the amount of stock subscribed in said company to a central commission to be composed of Col. Wm. Houston and Wm. H. Sneed, of Tennessee, and such other persons as may be appointed by law in Kentucky, who shall meet at such point and time as they or a majority of them may agree upon, and if at the time of meeting aforesaid ten thousand shares of stock shall have been subscribed, the said subscribers of the stock shall form a body politic and corporate in deed and in law, in the States aforesaid, but if said number of ten thousand shares shall not be subscribed, said central commission shall give notice of the fact by publication to the several commissioners, who shall have the power to re-open the books for further subscription, at such times and places as they may think proper, until the first of January, 1860, until said number of ten thousand shares shall have been subscribed.

Lexington and  
Knoxville Rail-  
road.

SEC. 8. *Be it enacted*, That all the rights, privileges, grants, powers, provisions, restrictions, rules and regulations of every kind and description whatsoever, which were conferred upon the Nashville and Louisville Railroad Company by an act, passed the 9th day of February, 1850, entitled "an act to incorporate the Nashville and Louisville Railroad Company," and every section and provision of the same, be, and it is hereby extended to and conferred upon the Lexington and Knoxville Railroad Company, so far as the same may be applicable to said company last mentioned, to enable it to make a railroad communication between Knoxville or some point on the East Tennessee and Virginia Railroad nearer Cumberland Gap than Knoxville, in the direction of Tazewell, Claiborne county, through Cumberland Gap, and Lexington, Kentucky, or some other point in Kentucky nearer to Knoxville, or some point on the East Tennessee and Virginia Railroad nearer than Lexington, but immediately connected with it by rail-

road, except wherein said act is inconsistent with the provisions of this act. *Provided*, That no bonds of the State, or guarantee of the bonds of no corporation, or other assistance from the State is to be given to the corporations established by this act, by virtue of any laws or charter in this act referred to, heretofore passed at a former or by this General Assembly; and the words, grants and privileges, or other general terms used in this act extends only to corporate privileges, and not to any aid whatever from the State of Tennessee.

SEC. 9. *Be it enacted*, That the New Orleans and Jackson Railroad Company shall have power to construct their railroad through the limits of this State to the Tennessee river, so as to connect with the Nashville and Southern Railroad, with the same rights, powers and privileges, and subject to the same restrictions and liabilities prescribed in an act, passed January 28, 1848, entitled "an act to incorporate the Mobile and Ohio Railroad Company and the Tennessee Central Railroad Company," so far as said act relates to the Mobile and Ohio Railroad Company.

SEC. 10. *Be it enacted*, That the forty-first section of an act, passed the 2d day of February, 1846, chap. 182, be so amended, that the board of directors, in locating said road, shall not be compelled to run the same either into the State of Mississippi or Alabama, but they shall have full discretion to locate the whole length of the line in this State so as to connect with the Nashville and Chattanooga Railroad, or any other road that they may think advisable, or to change the location, if already done, and said road, located as herein provided, shall be entitled to the benefit of all laws passed upon the subject of said road heretofore.

JORDAN STOKES,

*Speaker of the House of Representatives.*

M. R. HILL,

*Speaker of the Senate.*

Passed, February 25, 1852.

## CHAPTER CCX.

AN ACT to amend the act, entitled "an act to incorporate the West Tennessee Baptist Convention for literary and benevolent purposes," passed January 23d, 1850.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the name of the corporate body created by said act shall be "the Trustees of West Tennessee Baptist Convention," instead of "the West Tennessee Baptist Convention," as expressed in the first section of said act.

Trustees incor-  
porated.

SEC. 2. *Be it enacted*, That the second section of said act is hereby repealed, and instead thereof, it is hereby declared, that the said trustees and their successors shall be capable in law to sue and be sued, to plead and be impleaded, to answer and be answered unto, in all the courts of law and equity of this State, by the corporate name and style aforesaid.

Vacancies.

SEC. 3. *Be it enacted*, That instead of the mode of filling vacancies in said board of trustees, provided in the eighth section of said act, it is hereby provided, that all vacancies occurring in said board of trustees, by death or otherwise, shall be filled by the West Tennessee Baptist Convention at its regular meetings.

When majority  
required.

SEC. 4. *Be it enacted*, That it shall not be competent for less than a majority of the whole number of said trustees, for the time being, to dispose of any real property belonging, or that may belong to said corporate body; nor to elect a president or professors of any literary institution that may be created by said corporation.

SEC. 5. *Be it enacted*, That these amendments of said act shall constitute part of the charter of said corporation, instead of the provisions contained in said act as aforesaid, so soon as the same shall be accepted by the West Tennessee Baptist Convention, at a regular meeting thereof, and said acceptance recorded in the minutes of said convention at such regular meeting.

JORDAN STOKES,

*Speaker of the House of Representatives.*

M. R. HILL,

*Speaker of the Senate.*

Passed, February 25, 1852.

## CAPTER CCXI.

AN ACT to provide for the payment of Comptroller's warrants Nos. 9121 and 807.

WHEREAS, on the 4th day of August, 1847, the Comptroller of the Treasury issued his warrant to W. C. Bruce, of Haywood county, for the payment out of the treasury the school fund of said county, amounting to eleven hundred and ninety-five dollars and eighteen cents, the same being numbered 9121. And whereas, on the 8th of February, 1851, he issued his warrant to William Fitzgerald, for the payment, out of the treasury, his salary as circuit judge for three months, ending 29th January, 1851, amounting to three hundred and seventy-five dollars, the same being numbered 807. And whereas, said warrants were cashed by the branch of the Bank of Tennessee, at Trenton, and forwarded by mail to the parent bank at Nashville for collection; said warrants having miscarried. Therefore,

*Be it enacted by the General Assembly of the State of Tennessee,* That the Comptroller of the Treasury issue a warrant to S. R. Anderson, Cashier of the Bank of Tennessee, for the amount of the above named sums of money, and make such entries on his books as will show that the above named warrants have been paid.

JORDAN STOKES,

*Speaker of the House of Representatives.*

M. R. HILL,

*Speaker of the Senate.*

Passed, February 25, 1852.

## CHAPTER CCXII.

AN ACT to amend the charter of the Eagleville, Unionville and Shelbyville Turnpike Company.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the charter of the Eagleville, Unionville and Shelbyville Turnpike Company, be so amended as to authorize said company to apply the stock which may be subscribed to said company between Unionville and Shelbyville, and at Shelbyville and the neighborhood thereof, in constructing said road from Shelbyville to Unionville; and for this purpose said company may commence at Shelbyville, and build said road to Unionville, or as far as the stock will go

in that direction, as well as to begin at the point provided for in the charter, which this intended to amend.

Commissioners  
to be elected by  
stockholders.

SEC. 2. *Be it further enacted*, That said charter be further so amended as to authorize and require said road to be located from Unionville to Shelbyville, the most direct and practicable route, by the commissioners, to be elected or chosen by the stockholders, whose stock, by the provisions of this act, are to be applied in the construction of said road from Shelbyville to Unionville, said commissioners to be chosen alone by the stockholders aforesaid, and at an election for the purpose, to be held in Shelbyville, on such day as may be designated by three of the largest stockholders aforesaid, and twenty days notice thereof to be given in one of the newspapers published in the town of Shelbyville. And before entering on the duties assigned them, said commissioners shall take an oath, before some justice of the peace, to locate said road without favor, affection or partiality, to the best of their knowledge, information and belief, the nearest and most practicable route from Shelbyville to Unionville.

Chappel Hill and  
Unionville Turn-  
pike.

SEC. 3. *Be it enacted*, That J. B. Foulton, J. B. Rogers, Leonard Bulluck, T. C. H. Miller, J. A. Shaffield, David G. Deason, William Collins, M. Blanton, H. L. Poplin and A. Adams, be appointed Commissioners to open books for the purpose of receiving subscriptions for the purpose of building a turnpike road from Chappel Hill, in Marshall county, to Unionville, in Bedford county, to intersect with the Eagleville, Unionville and Shelbyville Turnpike Road, at or near Unionville; and when the sum of five thousand dollars are subscribed, in shares of twenty-five dollars each, said commissioners shall call a meeting of the stockholders, either at Unionville or Chappel Hill, by giving ten days notice, in writing, of the time and place of said meeting, and said stockholders, and such persons as may become stockholders, shall elect five directors, being stockholders, one of whom shall be president, and said president and directors, and their successors in office, shall be, and are hereby constituted a body politic and corporate, by the name of Chappel Hill and Unionville Turnpike Company, and shall so continue, and may own, sell and buy property, may sue and be sued, plead and be impleaded, in all the courts in this State or elsewhere, and be entitled to all rights, powers and privileges, and subject to the same conditions, limitations and restrictions granted and conferred on the Eagleville, Unionville and Shelbyville Turnpike Company, chartered February 7th, 1850, and shall in every respect be gov-

erned by said charter, enjoying all its benefits, and subject to all its penalties, and may increase the capital stock to twelve thousand dollars, to be paid in money or work on said road, as said company may think best.

SEC. 4. *Be it further enacted*, That Dr. Jerry Moore, Augustin Wilson, James M. Patterson and Gen. E. A. Wilson be appointed commissioners to locate said road. Commissioners.

JORDAN STOKES,

*Speaker of the House of Representatives.*

M. R. HILL,

*Speaker of the Senate.*

Passed, January 26 1852.

## CHAPTER CCXIII.

AN ACT to incorporate the Edgefield Broom and Bucket Manufacturing Company.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Nicholas Hobson, F. K. Zollicoffer, Russell Houston, Samuel R. Anderson, M. W. Wetmore and William B. A. Ramsey, or any two of them, may, at such times and places as they may deem expedient, open books and receive subscriptions, and that as soon as twenty shares shall have been taken, the owners thereof shall be, and they are hereby created a body corporate, in law and in fact, under the name and style of the Edgefield Broom and Bucket Manufacturing Company, and by that name may sue and be sued, plead and be impleaded, appear and prosecute to final judgment in any court or elsewhere; may have and use a common seal, and alter the same at pleasure, and in such manner as they shall determine, appoint all necessary agents and officers, and dismiss them at pleasure; ordain and establish by-laws for the regulation and government of their affairs, with all necessary powers to establish and carry on the manufacturing of brooms and buckets, or either of them, and to acquire and hold such lands and tenements, and all other kinds of property as may be necessary for the prosecution of said business in all its branches, or the payment or security of debts due said company, and to use, manage, convey or dispose of the same at pleasure, and to possess, exercise and have all such other powers, privileges and immunities as are necessary and proper as an incorporated company for the purposes aforesaid. Incorporation.

Capital Stock.

SEC. 2. *Be it enacted*, That the capital stock of said company shall consist of twenty shares, of one hundred dollars each, with the privilege of increasing the same to two hundred shares. Said stock shall be transferable only on the books of the company; and then not without the consent of the directors, unless the whole amount due thereon shall have been paid.

SEC. 3. *Be it enacted*, That the affairs of said company shall be managed by three directors, chosen annually by the stockholders, each of whom shall be a *bona fide* owner of five shares of stock, and one of whom shall be chosen President by the said directors, and the said board, thus chosen, shall continue in office until their successors are elected. In said election, and all others by the stockholders, each stockholder shall be entitled to as many votes as he has shares, and the votes may be given by proxy.

JORDAN STOKES,

*Speaker of the House of Representatives.*

M. R. HILL,

*Speaker of the Senate.*

Passed, February 21, 1852.

## CHAPTER CCXIV.

AT ACT to amend the charter of the Shelbyville, Richmond, Petersburg and Fayetteville Turnpike Company, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the charter of the Shelbyville, Richmond, Petersburg and Fayetteville Turnpike Company, be so amended as to authorize said company to commence their said road at such point on the Shelbyville, Farmington and Lewisburg turnpike road, as may be agreed upon by the president and directors of said two companies, and that whenever said company shall complete five miles of said road or part of the same, they may erect a toll gate on said five miles.

SEC. 2. *Be it further enacted*, That the president and directors of said company, or any one of them, or any agent said president and directors or any one of them may appoint, may open books for the subscription for such additional stock as may be necessary to complete said road, in such manner as they or any one of them may designate.

May open books.

**SEC. 3.** *Be it further enacted,* That said company may commence the construction of said road at Fayetteville, <sup>Now stock ap-  
plied.</sup> as well as at the other end of said road, and that the stock subscribed or to be subscribed at Fayetteville, and the neighborhood thereof, be applied in the continuation of the end of said road commencing at Fayetteville, and that the stock subscribed between Fayetteville and Petersburg be applied at the election of each particular stockholder last aforesaid, in continuing said road from Fayetteville towards Petersburg. *Provided,* That should there be more stock taken at Fayetteville and vicinity, and between Fayetteville and Petersburg,—who elect to have their stock applied as aforesaid,—than is necessary to construct said road from Fayetteville to Petersburg, the same may be applied on any other part of said road.

**SEC. 4.** *Be it further enacted,* That the president and <sup>Letting.</sup> directors of said road may construct the same by letting it out in convenient contracts, or hiring labor to build it, or any section or portion thereof, and that this act take effect from and after its passage.

**SEC. 5.** *Be it enacted,* That the corporation of the town of Fayetteville be so extended as to include Fayetteville College, in Lincoln county: Beginning at the corporation line of the town of Fayetteville, on the south side of the Fayetteville, Boonshill and Pulaski turnpike; running thence south to a point due east of the south west corner of the Fayetteville College lot; thence west to said corner; thence north to the west corner of the same; thence east to the beginning so as to include a portion of the property of Richard White, B. L. Russell and the grounds formerly owned by H. & B. Douglas, which ground, so included within the corporate limits of the town of Fayetteville, may be laid off in lots and numbered as other lots in said town. <sup>Corporation of  
Fayetteville ex-  
tended.</sup>

**SEC. 6.** *Be it enacted,* That the further time of four <sup>Further time to  
complete Shelby-  
ville & Fayette-  
ville turnpike.</sup> years, from the first day of February, 1852, be allowed the Shelbyville and Fayetteville Turnpike Company to commence and finish said road.

JORDAN STOKES,

*Speaker of the House of Representatives.*

M. R. HILL,

*Speaker of the Senate.*

Passed, January 27, 1852.

## CHAPTER CCXV.

AN ACT to declare the powers of the County Court in the administration of estates in certain particulars.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Tennessee,* That any person interested in any deceased person's estate as legatee, distributee, widow or creditor may, at any time before a final settlement of such estate, suggest to the court, and show by proof, that the representative of such deceased person has not returned a complete inventory of such estate, and the article or articles omitted in the inventory shall be debited to the representative at the value thereof, unless he can show a sufficient legal reason for the omission thereof in the inventory.

**SEC. 2.** *Be it enacted,* That no account of the administration of any deceased person shall be taken until the clerk of the county or chancery court has served the parties interested therein, who are resident within his county, or the agent or attorney of such as reside elsewhere, with notice of taking said account at least five days before the time fixed for taking the same, and if parties do not reside in the county, and have no agent therein, the clerk shall put up a notice on the court house door ten days before the account is taken, or publish the same in a newspaper in the county.

**SEC. 3.** *Be it enacted,* That any person interested in such estate as aforesaid, may except to the account of any administration after the same has been stated by the clerk, and if dissatisfied with the clerk's decision of such exceptions, may appeal to the court.

**SEC. 4.** *Be it enacted,* That when an account has been finally settled by the county court, either party may appeal from the judgment of the court to the chancery or circuit court, and such appeal shall be brought before the chancellor at his first session in such county or district, and it shall be sufficient, in case of such appeal, to take before the chancellor only so much of the record as may be requisite to present the matter complained of in the judgment or order below.

**SEC. 5.** *Be it enacted,* That after the settlement of an administration account, the county court shall compel the representative to pay into the office of the clerk, the balance found against him or her, by execution, as in case of judgment at law, or when any specific thing is to be done, by an order to perform it, and by process of contempt in case of refusal. And this section shall apply to accounts already taken as well as to those hereafter to be taken.

**SEC. 6.** *Be it enacted,* That at the expiration of the time fixed by law for the settlement of the accounts of the executors and administrators, if any representative fail to settle, the clerk shall cite him to appear and settle on a given day, to be specified in the citation, and if he disobey the citation, the same being duly returned with personal service endorsed thereon, or that he avoids service, such disobedience or avoiding of service, is hereby declared to be a contempt of court, and punishable as such. Disobedience to citation contempt of court.

JORDAN STOKES,  
*Speaker of the House of Representatives.*  
M. R. HILL,  
*Speaker of the Senate.*

Passed, February 26, 1852.

## CHAPTER CCXVI.

AN ACT to amend an act, chap. 104, passed January 23, 1850, entitled "an act to incorporate Hiwassee College, in the county of Monroe," and for other purposes.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Tennessee,* That so much of the act, passed January 23d, 1850, chapter 104, as transfers the Academy fund of the State from Bolivar Academy, in Monroe county, to Hiwassee College, be and the same is hereby repealed.

**SEC. 2.** *Be it enacted,* That the funds now in the treasury of the State belonging to the academy fund for Monroe county, shall be paid over to Bolivar Academy. Bolivar Acad  
emy.

**SEC. 3.** *Be it enacted,* That the Hawkins Lodge No. 41, Independent Order of Odd Fellows, shall hereafter have power to sue and be sued, plead and be impleaded, answer and be answered unto, in any court, or before any justice of the peace in this State. Hawkins Lodge  
No. 41, I. O. O. F.

**SEC. 4.** *Be it further enacted,* That the said Lodge shall have power and authority to hold and possess property, both real and personal, to the amount of fifty thousand dollars.

JORDAN STOKES,  
*Speaker of the House of Representatives.*  
M. R. HILL,  
*Speaker of the Senate.*

Passed, February 24, 1852.

## CHAPTER CCXVII.

AN ACT to incorporate the Hibernian Mutual Relief Society of the City of Memphis.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Daniel Hughet, John McGorley, Thomas Conway, George Flaherty, and those associated with them, and their successors, be, and they are hereby incorporated and made a body politic, by the name and style of the Hibernian Mutual Relief Society of the City of Memphis, for the promotion of union and brotherhood amongst Irishmen, and for the advancement, by continued and united exertions, of the general welfare of the members; and by the name aforesaid, shall have perpetual succession and a common seal, which they may change or destroy at pleasure; shall be capable in law to receive, hold and purchase, to themselves and their successors, any lands, tenements, goods or chattles, which shall be given, granted or devised to them, or purchased by them for the use of said society, and to use or dispose of the same as may seem most advantageous for said society; and they and their successors, by the name aforesaid, may sue and be sued, plead and be impleaded in any court of law or equity in this State, or elsewhere.

Sec. 2. *Be it further enacted*, That the members of said society shall have, and they are hereby invested with the power to receive into said society other individuals, upon such terms as they may prescribe, and such individuals, so received, shall come within the provisions of this act.

Sec. 3. *Be it further enacted*, That the members of said society shall have full power and authority to adopt such constitution and by-laws, rules and regulations, for the government of the society, as to them may seem the most expedient. *Provided*, That such constitution, by-laws, rules and regulations do not conflict with the constitution and laws of Tennessee, or of the United States.

JORDAN STOKES,

*Speaker of the House of Representatives.*

M. R. HILL,

*Speaker of the Senate.*

Passed, February 21, 1852.

## CHAPTER CCXVIII.

AN ACT for the benefit of Hamilton Copeland, of the county of Cocke.

*Be it enacted by the General Assembly of the State of Tennessee,* That Hamilton Copeland, of the county of Cocke, be, and is hereby authorized and empowered to so turn and change the turnpike road, leading from William Wilson's, in the county of Cocke, to Findley Patterson's, in the county of Sevier; from where it now runs through his premises, as to make it run on the route where the old road formerly run, and that he be required to put the same in good order and repair for its reception by the commissioners of the said turnpike road. *Provided,* That the company owning the turnpike road proposed to be changed, as herein provided, shall consent to such change.

JORDAN STOKES,

*Speaker of the House of Representatives.*

M. R. HILL,

*Speaker of the Senate.*

Passed, February 21, 1852.

## CHAPTER CCXIX.

AN ACT for the formation of the County of Christian.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the formation of a new county, to be called the county of Christian, is hereby authorized, upon the conditions hereinafter prescribed, out of portions of the counties of Madison, Gibson, Carroll and Henderson: Beginning on the Henderson county line, twelve miles west of Lexington; running thence north-east to or near Esq. Lucas'; thence with Rutherford's Fork to a point twelve miles west of Huntingdon; thence west to a point two miles west of Shady Grove; thence south to a point two miles west of Center Camp-ground; thence east to the beginning. The commissioners hereinafter appointed, shall cause to be made an accurate survey of the said new county, and if it shall appear that the above boundaries contain three hundred and fifty square miles, and do not reduce either of the old counties below six hundred and

Boundaries.

twenty-five square miles, nor run within less than twelve miles of either of the county seats of said old counties, which fact shall be ascertained by an actual survey of the said counties of Madison, Gibson, Carroll and Henderson, and the expenses of said surveys shall be paid by the said commissioners, or by the persons included within the limits of said county of Christian, then said commissioners may proceed to the organization of said new county, or if the lines herein established, can be so altered as to fulfil the aforesaid constitutional conditions, then said commissioners are authorized to have such survey made, and proceed to the organization of said new county, otherwise this act to be null and void.

**Commissioners.** SEC. 2. *Be it enacted*, That William Senter, Samuel Ferguson, and Levi S. Woods, of Carroll county; Thos. Spain, of Henderson county; John H. Lanier, of Madison, and Thomas Slain, of Gibson, are hereby appointed commissioners on the part of the several fractions in which they reside, who shall before entering on the discharge of their duties, take an oath, before some justice of the peace, faithfully to discharge their duties and observe the provisions of this act.

**Duties and Powers of Commissioners.** SEC. 3. *Be it enacted*, That whenever, upon a survey as provided for in the first section of this act, it shall be found that said county can be constitutionally established, the said commissioners shall proceed to the organization thereof, and for that purpose they shall have all the powers, and be subject to all the restrictions conferred upon the commissioners for the county of Crockett by the 3rd, 4th, 5th, 7th, 8th, 9th, 10th, 11th, 12th, 13th and 16th sections of an act, passed December 20, 1845, entitled "an act to establish the county of Crockett," &c., and that the provisions of the aforesaid sections of said act shall be applicable in all respects to the said county of Christian and the commissioners thereof. The election contemplated in the 4th section of the above recited act shall be held on the 15th March, 1852.

**Courts held at Lavinia.** SEC. 4. *Be it enacted*, That the courts for said county of Christian shall be held at Lavinia, in Carroll county, until the seat of justice shall be located, and the provisions of the 6th section of the before recited act shall be applicable to the county of Christian, except so far as they are changed by this act.

**Courts—when held.** SEC. 5. *Be it enacted*, That the county of Christian shall be attached to the ninth judicial circuit, the circuit courts shall be held on the first Mondays in February, June and October, in each year, and the citizens of

said county may file their bills in the chancery court either at Huntingdon or Trenton.

SEC. 6. *Be it enacted*, That the surveyor to be appointed by said commissioners, shall, before entering upon the discharge of his duties, take an oath before some justice of the peace, faithfully to discharge his duties, and his survey shall be spread on the minutes of said county of Christian at its first term. Surveyor's oath.

JORDAN STOKES,  
*Speaker of the House of Representatives.*  
M. R. HILL,  
*Speaker of the Senate.*

Passed, February 24, 1852.

## CHAPTER CCXX.

AN ACT to change the line between the counties of Wayne and Perry.

*Be it enacted by the General Assembly of the State of Tennessee*, That the line between Wayne and Perry counties be changed as follows: Beginning at a point on the Buffalo-hill, on the present line running on the dividing ridge between Beech and Whiteoak creek, to the north west point of said ridge: thence north forty-five west to the Tennessee river; thence up said river with its meanders to the lower end of Beech creek island; thence crossing said river so as to strike the line dividing the counties of Wayne and Decatur. *Provided*, That this transfer of territory does not reduce Perry county below its constitutional limits.

JORDAN STOKES,  
*Speaker of the House of Representatives.*  
M. R. HILL,  
*Speaker of the Senate.*

Passed, February 21, 1852.

## CHAPTER CCXXI.

AN ACT to change the line between the counties of Grainger and Knox.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the line between the counties of Grainger and Knox, be altered and changed in the following manner: Beginning on a flat-rock, a corner of the two counties, some five or six hundred yards above Sebinah Mynatt's house, towards and on the side of Clinch Mountain; thence running so as to include the Smith Mynatt houses, now owned by James Cannon, in the county of Knox; thence a direct line to Silas Mynatt's house at the head of Crooked Run; thence a due west to the original county line, including Hardin W. Mynatt's house, Preston Mynatt's house, James Cannon's Plantation, Preston Mitchel's plantation, all in the county of Knox.

SEC. 2. *Be it enacted*, That this act shall not be construed so as to interfere with the formation of the county of Union.

SEC. 3. *Be it further enacted*, That the line between the counties of Overton and Fentress, be so changed as to begin on the present county line, at or near James Bole's fourth corner tree, which is the beginning corner of a tract of land on which T. M. Allred now lives; thence eastwardly with the line of said tract of land to the second corner tree; thence northwardly with the line of said tract to Rock House creek; thence down said creek to the old county line.

JORDAN STOKES,

*Speaker of the House of Representatives.*

M. R. HILL,

*Speaker of the Senate.*

Passed, February 21, 1852.

## CHAPTER CCXXII.

AN ACT to incorporate the Fayette County Manufacturing Company.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That a body corporate and politic, by the name and style of the Fayette County Manufacturing Company, for the purpose of manufacturing goods and articles from cotton, wool and other textile

materials, is hereby constituted and established, to continue and have succession for the term of ninety-nine years, to make and use a common seal, the same to alter at pleasure; to make such by-laws, not inconsistent with the laws of the State, or of the United States, as it may deem useful or necessary for its government, to sue and be sued, to plead and be impleaded, to hold by purchase or otherwise, and dispose of the same, any real or personal property, which may be useful or necessary for carrying on its operations, or which it may become possessed of in payment of debts to it in whole or in part.

SEC. 2. *Be it enacted*, That the capital stock of said company shall be divided into shares of fifty dollars each, which shall be considered in law as personal property, shall consist of not less than one thousand nor more than two thousand shares; shall be transferable only on the books of the company, and then only with consent of the board of directors, or a majority of them in session, unless the whole amount of such stock shall have been previously paid up in full, nor whilst the transferring stockholder shall in any wise be indebted to the company, the company shall have power to declare forfeited to it, any shares of stock which may remain unpaid, in whole or in part, or it may sue for and recover such unpaid instalments before any court or other tribunal having jurisdiction over such sums. *Provided*, Such forfeiture shall not be valid, unless made after thirty days notice of such call shall have been made in some newspaper published in the town of Sommerville, or in the city of Memphis. The said company may at its pleasure, and in such manner as the directors may elect, increase its capital to any sum deemed advisable between the minimum and the maximum amounts heretofore provided for.

SEC. 3. *Be it enacted*, That all stockholders not having paid in the calls, which shall have been made on their stock, shall be individually liable to the creditors of the company to the amount so remaining unpaid, and in like manner shall the directors be individually bound for any amount they may declare and authorize to be paid to the stockholders as directors, [dividends,] when at the time of so declaring and paying out, the company shall be unable to pay all debts due by it; to avoid such responsibility on his part, the dissenting director shall enter, or cause to be entered on the minutes of the board, his dissent thereto, or if not present when the act is done, he shall so record, or cause to be recorded, his dissent

When individually liable.

thereto, within the space of thirty days after such dividend shall have been authorized.

**Commissioners.** SEC. 4. *Be it enacted*, That J. Higgason, Henderson Owen, S. F. McNutt, Edwin Dickinson, W. H. Robertson, John C. Reives, W. E. Loving, W. Mays, Thomas J. Polk, John W. Jones, Leander Black, Charles Boyd, John W. Harris, John Willford and E. S. Tappan, are hereby appointed commissioners, who, or any three or more of them, after having given ten days notice of the time and place, or times and places, for so doing, shall open books for subscription until the number of one thousand shares, or a greater number as they may decide, not exceeding the maximum provided for, shall have been taken. So soon as the number of shares agreed on by the acting commissioners shall have been subscribed for, they shall give not less than ten days notice, and the stockholders may proceed to elect from their own body a board of directors, each share entitling its owner to one vote in all elections by the stockholders, who may vote by proxy or in person for the said board of directors, or on any question submitted to a meeting of them. The said board of directors shall consist of seven, one of whom shall be elected president, he and the other members of the board shall hold their places for the term of one year, or until their successors shall have been elected. *Provided*, A failure to elect shall in no wise cause a forfeiture of this charter. *And also provided*, That no stockholder shall be entitled to vote who may be in arrears of calls previously made on stock owned by him. The said president and board of directors shall elect, appoint or employ all other officers, agents, managers, &c., necessary for conducting the affairs of the said corporation, and affix their salaries, and do, on behalf of the company, all such other acts as are incidental to such bodies; the said directors causing to be kept regular minutes of their proceedings, which shall be open to the inspection of any stockholder desiring to inspect the same.

JORDAN STOKES,

*Speaker of the House of Representatives.*

M. R. HILL,

*Speaker of the Senate.*

Passed, February 21, 1852.

## CHAPTER CCXXIII.

AN ACT to amend an act entitled an act to incorporate the Nashville and Middle Franklin Turnpike Company, passed January 25th, 1850, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the 7th section of an act passed the 25th day of January, 1850, entitled an act to incorporate the Nashville and Middle Franklin turnpike company, be so amended, as to authorize the said Nashville and Middle Franklin turnpike company, to erect one toll gate at which they may demand and receive the tolls specified in said seventh section, whenever five miles of said road shall have been completed commencing at Nashville.

SEC. 2. *Be it enacted,* That said company shall have power to extend their said turnpike road, so as to intersect the Franklin turnpike road on the north of the second toll gate from Franklin (or to extend their road to the town of Franklin,) and to increase the capital stock of the company to an amount sufficient to make said extension if deemed necessary by the company; and to erect toll gates and demand and receive tolls as provided in their charter.

SEC. 3. *Be it enacted,* That the charter heretofore granted to the Mill Creek Valley turnpike company, is hereby amended, so as to allow said company five years in addition to the time heretofore allowed by law to complete said road; and that the company shall survey, locate and construct said road, the nearest and most practicable route from Antioch in Davidson county, through Mechanicsville to the head of Stewart's creek, in Rutherford county.

SEC. 4. *Be it enacted,* That all laws coming in conflict with the provisions of this act, be and the same are hereby repealed.

SEC. 5. *Be it enacted,* That upon the application of the President and Directors of the Fayetteville, Mulberry and Lynchburg turnpike company, the county court of Lincoln county, may appoint twelve commissioners freeholders, who are not the owners of stock in any turnpike company, who shall locate and fix a gate upon said road not less than one, nor more than two miles from the court house in Fayetteville, which gate, when so located, shall be permanent, and the court shall have power to make any order in relation to the rates of toll to be charged, at such first gate from neighbors traveling less than one and a half miles on said road, as justice to the parties may demand, but should

May intersect  
Franklin road, or  
extend.

Mill Creek Val-  
ley turnpike.

Fayetteville,  
Mulberry and  
Lynchburg turn-  
pike.

it appear to the county court at any time, that the location of said gate is injurious to the public, said court may order and cause the same to be removed the distance from the town of Fayetteville, now prescribed by the charter.

**Grade of road.** SEC. 6. *Be it enacted*, That the charter of said company is hereby so amended, as to authorize the company to construct their road at a grade of five degrees, when necessary, but not more.

**Memphis and LaGrange rail road.** SEC. 7. *Be it enacted*, That the creditors of the Memphis and LaGrange rail road company, shall have the right to satisfy their debts out of any of the property of said company, notwithstanding any lien of the State and in preference to such lien.

SEC. 8. *Be it enacted*, That the third section of the act of 29th January, 1850, shall be so construed that the Governor in making the conveyance as provided in said act, shall only convey the right of way and the interest of the State to the track, depot and grounds of the Lagrange and Memphis rail road, to the Memphis and Charleston rail road company.

SEC. 9. *Be it enacted*, That the interest of the State, in and to the LaGrange and Memphis rail road track and depots, at and along the main stem of said road, and the right of way, be and the same are hereby relinquished to the Memphis and Charleston rail road company upon the terms heretofore specified by law.

**Memphis and Charleston rail road.** SEC. 10. *Be it further enacted*, That the 41st section of the act of February 2d, 1846, incorporating the Memphis and Charleston rail road company, to which this is an amendment, be so amended, as to authorize said rail road company, in the event the Legislature of Mississippi should refuse them the right of way through said State, to change the proposed direction of the route of said rail road within the limits of the State of Tennessee, in such manner as they may determine to be most favorable, to form a continuous rail way communication, or rail way and water communication from the city of Memphis to the city of Charleston.

JORDAN STOKES,

*Speaker of the House of Representatives.*

M. R. HILL,

*Speaker of the Senate.*

Passed, February 25, 1852.

## CHAPTER CCXXIV.

AN ACT to charter the Chattanooga, Blue Spring and Cleveland Rail Road Company, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the formation of a company is hereby authorized for the purpose of constructing a rail road from Chattanooga to intersect the East Tennessee and Georgia rail road, at or near the Blue Spring, or at Cleveland, or any other suitable point south of that place on the East Tennessee and Georgia rail road, in Bradley county, which company shall consist of the stockholders. and when formed, shall be a body corporate by the name and style of the Chattanooga, Blue Spring and Cleveland Rail Road Company, and by such name, shall have and enjoy, possess and exercise all the rights, powers, privileges and franchises so far as the same are applicable, which the Nashville and Chattanooga rail road company have, by the terms of an act passed 11th December, 1845, entitled "an act to incorporate the Nashville and Chattanooga rail road company," and be subject to the same liabilities and restrictions therein imposed. *Provided,* That the prohibitions against granting a charter for any lateral or parallel road, shall not be applicable to this charter. *And provided further,* That each share shall entitle the owner thereof to one vote. Incorporation.

SEC. 2. The capital stock of said company shall be one hundred and sixty thousand dollars, to be divided into shares of fifty dollars each, and Wm. Grant, Wm. H. Tibbs, Wm. K. Pickens, Henry B. Davis, G. B. Thompson, Robert Stuart, Caswell Lea, Joseph Tucker, John Tucker, Caswell Hall, James Donahoo, Samuel Howard and Robert M. Swann, be hereby appointed a board of commissioners, who may at such times as they may think proper, dispose of or open books for the subscription of said stock, and who shall as to this road in all respects have the powers, and perform the duties prescribed for the board of commissioners of the Nashville and Chattanooga rail road company, by the 4th section of the act aforesaid in relation to that road. And whenever the number of one hundred and sixty shares shall be subscribed, the company shall be considered as formed, as having a corporate existence as aforesaid, and the board of commissioners may proceed to survey the route of the road and make an estimate of the cost of its construction, and when fifteen hundred shares shall have been subscribed, the board of commissioners shall Capital Stock.

appoint a time for the stockholders to meet at Cleveland, for the purpose of electing a President and six Directors to manage the affairs of the company. The President shall be elected as the other Directors are, by direct vote of the stockholders.

**Call.** SEC. 3. The board of Directors may call for the payment of the stock subscribed, in sums not exceeding five dollars on the share, in every thirty days, and to enforce its payment the same remedy is given as in the act aforesaid.

**May amalgamate with other companies.** SEC. 4. *Be it enacted*, That the Chattanooga, Blue Spring and Cleveland rail road company, is hereby authorized and empowered to amalgamate its stock with or transfer it to any rail road company, whose road connects therewith, which said amalgamation or transfer shall carry with it all the rights, privileges and benefits of said company, and any rail road company whose road connects with said Chattanooga, Blue Spring and Cleveland rail road is hereby authorized and empowered to receive said amalgamation, assignment or transfer of stock as aforesaid. *Provided*, The same be done by the mutual consent of both companies.

**East Tennessee and Georgia rail road.** SEC. 5. *Be it enacted*, That the act passed by the present General Assembly, entitled "an act to aid in the completion of the East Tennessee and Georgia rail road," be so amended, that the provisions of said act be made to extend to the abutments and embankments connected with said bridge, and also be so amended, that upon the certificate of the Engineer, that one fourth of the work in value on said bridge, has been completed according to contract, it shall be the duty of the Governor to issue \$20,000 of said bonds to said company, and upon a like certificate that one half of said work has been completed, the Governor shall issue another \$20,000 of said bonds, and upon a like certificate that three fourths of said work has been completed, the Governor shall issue another \$20,000 of said bonds, and upon a like certificate that the whole of said work has been fully completed, the Governor shall issue the remainder of said bonds, but in no event shall more than \$100,000 in bonds be issued for said work.

SEC. 6. *Be it further enacted*, That said East Tennessee and Georgia rail road company shall procure *bona fide* good and solvent subscriptions, in amount sufficient to grade, prepare the timbers, and prepare the whole line of road proposed to be constructed, ready for the reception of the iron, and these facts shall

be certified to the Governor by the written affidavit of the President and Chief Engineer, and also by a majority of the Directors before the Governor shall issue the bonds provided for in this act.

SEC. 7. *Be it enacted*, That when any rail road extends into this State from an adjoining State, and the President or head officer of said road resides beyond the limits of Tennessee, a right of action, for the redress of any injury caused by, or for any claim or demand against the corporation, company, proprietor, or rail road, shall exist in this State, in any court or judicial tribunal having jurisdiction thereof, against such road, proprietor or company, and process may be served upon any depot agent of such road residing in this State, in the absence of the President or head officer of said road. And the judgment which may be rendered in favor of any claimant, shall be rendered against the company or road, in the name by which it transacts its business, and the property, real and personal, belonging to such company or road, within the limits of this State, shall be liable to the satisfaction of said judgment.

*Foreign road extending into this State, how liable.*

SEC. 8. *Be it further enacted*, That no claim against such company or rail road shall be barred by any act of limitation of this State, for any cause of action which has arisen prior to the passage of this act, when the President or head officer of such road resides beyond the limits of this State.

JORDAN STOKES,

*Speaker of the House of Representatives.*

M. R. HILL,

*Speaker of the Senate.*

Passed, February 26, 1852.

## CHAPTER CCXXV.

AN ACT to incorporate the Edgefield and Kentucky Railroad Company, and for other purposes.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Tennessee,* That Neill S. Brown, William B. Campbell, F. K. Zollicoffer, Russell Houston, John Shelby, Samuel R. Anderson, William B. A. Ramsey, Nicholas Hobson, P. W. Maxey, Anthony W. Johnson, Enoch P. Connell, A. V. S. Lindsley, M. W. Wetmore, and Thedore B. Hamlin, of the county of Davidson; John J. White, Joseph C. Guild, Thomas Barry, Robert M. Boyers, William M. Blackmore, and James Gwinn, of the county of Sumner; Willie Woodard, Joseph C. Stark, W. W. Pepper, H. C. Hughes, H. K. Alley, James Carden, Edward Fort, A. G. Green, and E. S. Cheatham, of the county of Robertson, with such other persons or corporations as may be associated with them, are hereby constituted a body politic and corporate by the name of the Edgefield and Kentucky Railroad Company, and by that name may sue and be sued, contract and be contracted with, and the said company are hereby authorized and empowered to construct and finally to complete a single or double rail-way from some central or convenient point to the city of Nashville, on the north side of the Cumberland river, to the Kentucky State line, so as to unite with any company that now is, or hereafter may be incorporated by the legislature of Kentucky, for the construction of a railroad from either of the cities of Lexington, Frankfort, Louisville, Danville, Bowling Green or Henderson, in Kentucky, to the city of Nashville. *Provided,* Said company shall have the privilege of constructing and using a way for the conveyance of passengers and freights from its depot, on the north side of the river, to or from said river, so as to secure the advantages of the navigation of said river.

**SEC. 2.** *Be it enacted,* That the capital stock of said company shall be three hundred thousand dollars, with the privilege of increasing it to double that sum, if necessary, in shares of twenty-five dollars each.

**SEC. 3.** *Be it enacted,* That any two or more of the commissioners named in the first section of this act, or such persons as may be appointed by them, may open books for the subscription of stock in said company, at such times and places as they may deem proper, and so keep them open in their discretion for the term of two years, and whenever the sum of two hundred thou-

said dollars has been subscribed, unconditionally, the said company may be considered as formed, and the said stockholders may organize the company by the election of officers.

SEC. 4. *Be it enacted*, That the affairs of said company shall be managed by a board of seven directors, to be elected annually by the stockholders, each of whom shall be the owner, in his own right, of not less than ten shares of stock, and shall have been so the owner for three months immediately preceding said election, (except the first election,) and from said board of directors a president shall be chosen by said directors. Directory.

SEC. 5. *Be it enacted*, That it shall and may be lawful for the company hereby incorporated, to negotiate with any other railroad company incorporated by the State of Kentucky, who may desire to extend their road over any portion of the route herein designated, and to transfer the rights herein conferred, either in whole or in part, to such company or companies, and thereupon such company or companies shall have the same rights, powers, privileges and immunities in making or using said road, or any part of it, on the route aforesaid, as are herein conferred on the company incorporated by this act, and shall be subject to the same liabilities and restrictions. Power to transfer

SEC. 6. *Be it enacted*, That the company hereby incorporated, is invested, for the purpose of making and using said road, with all the powers, rights and privileges, and subject to all the liabilities and restrictions that are conferred and imposed on the Nashville and Chattanooga Railroad Company, by an act, passed on the 11th of December, 1845, so far as the same are not inconsistent with the provisions of this act. Powers of Nashville and Chattanooga road.

SEC. 7. *Be it enacted*, That so soon as five miles of said road, from Nashville, shall have been completed, said company may commence and prosecute their business thereon. *Provided*, Said company may have a right of way to cross said river, and to convey freight and passengers to and from the depot of the Nashville and Chattanooga Railroad Company by animal power. Right of way across river.

SEC. 8. *Be it further enacted*, That the right of way for the construction of a railroad from the line between the two States of Kentucky and Tennessee, so as to connect the town of Bowling Green, Kentucky, with the city of Nashville, by railroad communication, be, and is hereby granted to the Bowling Green and Tennessee Railroad Company, incorporated by the Legislature of Kentucky, with all the rights, powers and privileges, and subject to all the restrictions and liabilities Bowling Green and Tennessee Railroad.

set forth and presented in a charter granted to said company by the Legislature of Kentucky aforesaid, March the 5th, 1850, excepting the proviso to the 18th section of said act, which has since been repealed by the Legislature of Kentucky.

Right to connect  
with road.

SEC. 9. *Be it further enacted*, That said company shall have power to construct and extend their said road from the Kentucky and Tennessee line to the city of Nashville, or to intersect with any railroad within the State of Tennessee, leading from the Ohio river, or from the city of Louisville, or from the city of Cincinnati in the direction of Nashville, at such point as said company may desire.

Directors.

SEC. 10. *Be it further enacted*, That the stockholders in the State of Tennessee shall be entitled to be represented in said company by directors residing in Tennessee, in proportion to their stock, to be chosen by the stockholders of the company, in the manner and at the time the other directors are chosen.

Power.

SEC. 11. *Be it further enacted*, That the 23d, 24th, 25th and 29th sections of the act of the 11th December, 1845, incorporating the Nashville and Chattanooga Railroad Company, be, and are hereby made a part of said charter of the Bowling Green and Tennessee Railroad Company, to be in force within this State, and that this act shall take effect from and after its passage.

SEC. 12. *Be it further enacted*, That the 20th section of said charter shall be void, and of no force and effect within this State, and that the State of Tennessee reserves the right to authorize railroads to be constructed in this State, parallel with said railroad from Bowling Green, at the pleasure of the Legislature thereof.

JORDAN STOKES,

*Speaker of the House of Representatives.*

M. R. HILL,

*Speaker of the Senate.*

Passed, February 13, 1852.

## CHAPTER CCXXVI.

AN ACT to amend an act passed the 4th January, 1850, entitled "an act to incorporate Washington Institute in Davidson county."

*Be it enacted by the General Assembly of the State of Tennessee,* That the 3rd section of the act recited in the caption, be so amended, that five members of the board of Directors may constitute a quorum to transact business.

JORDAN STOKES,  
*Speaker of the House of Representatives.*  
M. R. HILL,  
*Speaker of the Senate.*

Passed, February 21, 1852.

## CHAPTER CCXXVII.

AN ACT to change the name of the Chattanooga, Harrison and Cleveland rail road company, and to authorize said company to connect with the East Tennessee and Georgia company at or above Charleston.

*Be it enacted by the General Assembly of the State of Tennessee,* That so much of an act passed 7th February, 1850, entitled an act to incorporate the Chattanooga, Harrison and Cleveland rail road company, as relates to the name and style of said company, and fixes the terminus at Cleveland, be and the same is hereby repealed, and the name and style of the said company is hereby declared to be the Chattanooga, Harrison, Georgetown and Charleston rail road company, with the power and privilege of connecting with the East Tennessee and Georgia rail road company, at or above Charleston.

JORDAN STOKES,  
*Speaker of the House of Representatives.*  
M. R. HILL,  
*Speaker of the Senate.*

Passed, January 30, 1852.

## CHAPTER CCXXVIII.

AN ACT to amend an act entitled an act to amend the acts heretofore passed in relation to the Gallatin and White's creek turnpike road, passed the 22d October, 1832, and for other purposes.

*Be it enacted by the General Assembly of the State of Tennessee,* That so much of the 4th section of an act passed 22d October, 1832, entitled an act to amend an act to amend the acts heretofore passed in relation to the Gallatin and White's Creek turnpike roads, as provides, that nothing in said act shall be so construed as to authorize the county court of Davidson county, to discontinue any part of the old road called the White's Creek road, be and the same is hereby repealed, and the said county court shall have as full and complete power to discontinue or close up or change said White's creek road, or any part thereof, as if said act of the 22d of October, 1832, had never been passed, and the persons through or over whose land said old road passes, shall have power to close up said old road wherever it passes through or over their lands.

JORDAN STOKES,

*Speaker of the House of Representatives.*

M. R. HILL,

*Speaker of the Senate.*

Passed, February 21, 1852.

## CHAPTER CCXXIX.

AN ACT to incorporate the Missionary Association of the Methodist Episcopal Church South.

*Be it enacted by the General Assembly of the State of Tennessee,* That John B. McFerrin, A. L. P. Green, F. E. Pitts, John F. Hughes, Thomas W. Randle, Nicholas Hobson, A. P. McFerrin, John P. Ford and Wm. R. Elliston, and their successors, are hereby declared a body corporate under the name and style of the Missionary Association of the Methodist Episcopal Church South, the said corporation shall have the power to receive and hold in trust, all funds, bequests, devices or donations, as have been or may hereafter be made to it for the use and benefit of the Missionary cause in the Methodist Episcopal Church South, the said corporation

shall have the right and power to sue and be sued, plead and be impleaded as other corporations, and shall have succession of its members, as prescribed by the constitution, with full powers to appoint such officers and declare and prescribe their duties as the object of the association may require.

JORDAN STOKES,

*Speaker of the House of Representatives.*

M. R. HILL,

*Speaker of the Senate.*

Passed, February 21, 1852.

## CHAPTER CCXXX.

AN ACT to change the time of holding the Circuit Courts in the counties of White, Fentress and Overton, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That hereafter the circuit court in the county of White, shall be held on the first Monday in February, June and October. The circuit court in the county of Fentress, shall be held on the second Monday in February, June and October. The circuit court of the county of Overton, shall be held on the third Monday in February, June and October, in each and every year.

Sec. 2. *Be it enacted*, That the circuit court of Carroll county, shall be hereafter held on the fourth Mondays of April, August and December, this provision to take effect after the May term of the present year.

Sec. 3. *Be it enacted*, That the circuit court for the county of Wilson, shall be hereafter held on the third Mondays in the months of January, May and September in each year. *Provided*, That the next term of said Wilson circuit court shall be held at the time now fixed by law.

JORDAN STOKES,

*Speaker of the House of Representatives.*

M. R. HILL,

*Speaker of the Senate.*

Passed, February 21, 1852.

## CHAPTER CCXXXI.

AN ACT to incorporate the Alumni Society of Cumberland University at Lebanon, Tennessee.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Alexander P. Stewart, James M. Safford, William Mariner, Richard P. Decherd, Samuel B. Vance, Wyly M. Reed, Robert Hatton, Edward J. Golladay, J. C. Bowden, Nathan J. Fox, Baxter C. Chapman, J. L. McDowell, David M. Blythe, Albert G. Handly, Robert Green, Samuel T. Anderson, Thaddeus C. Blake, Wm. E. Ward, Rice Bond, Weiner Bond, H. B. Buckner, James L. Freeland, E. T. Hart and Nathan Green, Jr., and those associated with them, and their successors, be and the same are hereby constituted a body politic and corporate, by the name and style of the Alumni Society of Cumberland University of Lebanon in Tennessee, for purposes of mutual improvement in the arts and sciences and general literature, and for promoting and propagating the same.

General Powers. SEC. 2. *Be it enacted*, That the said Society shall have the right and be capable in law to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended, in all courts of law and equity, have a common seal, and may change and alter the same at their pleasure, and the said Society shall be able to take property by purchase, gift, grant or devise, or in any manner, and to hold any real or personal estate whatsoever. *Provided*, The same shall not exceed fifty thousand dollars in value.

SEC. 3. *Be it enacted*, That the said Society shall have power to adopt such constitution and by-laws as they may think proper and necessary for the government thereof, and in order to effect the purposes and objects for which it is formed. *Provided*, That the same be not inconsistent with the constitution and laws of the United States or of the State of Tennessee.

JORDAN STOKES,

*Speaker of the House of Representatives.*

M. R. HILL,

*Speaker of the Senate.*

Passed, February 21, 1852.

## CHAPTER CCXXXII.

AN ACT to amend the charter of the Franklin College and Stone's River Turnpike Company, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the act entitled an act to incorporate the Franklin College and Stone's river turnpike company, is hereby so amended, that so soon as two thousand dollars, or enough to finish the first mile of the road shall be subscribed, the company may organize according to the provisions of the charter.

SEC. 2. *Be it enacted*, That the road may be located on any ground which the company may consider most suitable, and should any person or persons, through whose land the road may be laid out, ask damages, he, she or they, may make complaint to any justice of the peace in the county, in writing, and it shall be the duty of the justice to appoint a jury of three disinterested free holders to take into consideration the complaints, with the benefits accruing to the lands from said road, and report damages upon oath, if any be deserving, and the amount or amounts may be collected before any tribunal having cognizance thereof. Damages

SEC. 3. *Be it enacted*, That so soon as the first mile shall be completed, beginning at the Nashville and Murfreesboro' turnpike, the company may place upon the road a toll gate, and the charges shall not be more than one fifth the amount paid on similar turnpikes in the State, the second, third, fourth and fifth miles, may be built upon the same plan, and charges may be made for travel in proportion to the distance, and when five miles are completed, said company may erect and maintain one toll gate at the end of five miles from the said Nashville and Murfreesborough road, and the said gates at the end of each mile as before provided shall be removed, and said company shall be entitled to but one gate, as provided in this section, and shall charge the tolls allowed by law, upon other similar roads in this State. Gates.

SEC. 4. *Be it enacted*, That William S. Lord, M. W. Wetmore, P. W. Maxey, N. Burns and Samuel R. Anderson, be authorized to open books and receive subscriptions of stock, and when twelve thousand dollars shall have been subscribed, the subscribers shall be constituted a body politic and corporate, by the name and style of the "Edgefield Spring and Axle and Axle Manufacturing Company," and by that name and style, shall be invested in law and equity, with all the rights Edgefield Spring and Axle and Axle Manufacturing Company.

and powers, and be subject to all the limitations, regulations and restrictions of the Edgefield Broom and Bucket Manufacturing Company, with the right of increasing the capital stock of said company to thirty thousand dollars, and to possess all the powers and privileges incident to a perfect corporation for the purposes of its creation.

JORDAN STOKES,

*Speaker of the House of Representatives.*

M. R. HILL,

*Speaker of the Senate.*

Passed, February 21, 1852.

### CHAPTER CCXXXIII.

AN ACT to make valid certain sales made by the town commissioners of the town of Dyersburg.

WHEREAS, Since the incorporation of the town of Dyersburg, in the county of Dyer, by the county court of said county, under the act of the General Assembly, passed January 7th, 1850, the town commissioners of said town have permitted the board of aldermen of the town of Dyersburg, to sell town lots or parts of town lots and lots of the commons of said town, and said town commissioners have made deeds to the purchasers thereof, in consideration of such sales. And whereas, doubts may arise as to the power of the town commissioners to make deeds under such circumstances. Therefore :

*Be it enacted by the General Assembly of the State of Tennessee,* That all deeds heretofore made by the town commissioners of Dyersburg, or any majority of them in consideration of the payment made to the board of aldermen of the town of Dyersburg, be confirmed and made legal, valid and binding to all intents and purposes, as though the same had been made in consideration of a regular sale by said town commissioners and payments made directly to them in pursuance thereof.

JORDAN STOKES,

*Speaker of the House of Representatives.*

M. R. HILL,

*Speaker of the Senate.*

Passed, February 21, 1852.

## CHAPTER COXXXIV.

AN ACT appointing commissioners on the road from Paris to Reynoldsburg, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That John B. Jones, of Henry county, Willis Rushing, Howard Williams and Irving B. Carnes, be appointed commissioners of the turnpike road over Big Sandy, on the road leading from Paris to Reynoldsburg, with the powers given the commissioners under the act of 1833, chap. 48, chartering said turnpike. Commissioners.

SEC. 2. *Be it further enacted*, That upon the death, resignation or removal of any of the commissioners of said turnpike, the county court of the county in which said commissioner had lived, shall have power to fill the vacancy, and to appoint more if necessary. Vacancies.

SEC. 3. *Be it enacted*, That John Houston, A. B. C. Dubose, W. Dudley Dunn, Dr. E. Rose, Thomas Welch, Charles King, Wm. Thomas, Gilman Bettis, Chas. D. McLean, J. W. Fowler, Pettitt and Robertson Topp, or any five of them be, and they are hereby appointed commissioners to receive subscriptions of stock for building a Plank or Gravel road, on the county road from the Memphis Hospital on the Boundary Lane of the city of Memphis, along the south boundary of the John Rice 5,000 acre tract, to an intersection of the said county road, with the Memphis and Germantown Plank road, at or near Garrett's place, and said commissioners may open books and receive such subscriptions at any time or place, after giving not less than ten days notice in some paper published in the town of Memphis. New State Line Avenue Plank road.

SEC. 4. *Be it enacted*, That the subscribers of said stock be, and are hereby constituted a body politic and corporate, by the name and style of the New State Line Avenue Plank road company, and by that name may sue and be sued, plead and be impleaded, and have and enjoy all the rights, privileges and powers appertaining to bodies politic and corporate by law for the space of ninety-nine years. Incorporation.

SEC. 5. *Be it enacted*, That the capital stock of said company may amount to the sum of thirty thousand dollars, or any sum less necessary to complete said road, to be divided into shares of one hundred dollars each, and when the sum of five thousand dollars is subscribed, a meeting of the stockholders shall be held at such time and place as a majority shall designate, all being notified; and being assembled, they may proceed to elect Capital Stock

five directors, who shall have power to pass by-laws, fully organize, complete the subscription, put under contract the building of the road, and do all other manner of things which directors of similar corporations may do.

Gate and tolls.

SEC. 6. *Be it enacted*, That said company may establish one turnpike gate upon said road, which may be situated on said road mid-way between the city of Memphis and its intersection with the Memphis and Germantown Plank road, at which the same tolls may be charged and collected, as are charged and collected at each gate under the charter of the Memphis and Bolivar turnpike, hereinafter adopted and referred to.

Powers.

SEC. 7. *Be it further enacted*, That all other rights, powers and privileges, which are given to the Memphis and Bolivar turnpike company, by an act passed January 25th, 1848, and the several amendments thereto, are hereby extended and given to the New State Line Avenue Plank road company, so far as the same may be appropriate and applicable to the latter company; and said company shall be governed by the same rules, regulations, restrictions and liabilities, as the said Memphis and Bolivar road, except as herein aforesaid.

Style of road.

SEC. 8. *Be it further enacted*, That the bed of said road, shall not be less than fifty feet wide, properly drained and ditched, with two tracks of gravel or plank, ten feet each in width, and that the same be completed in two years from the organization of the company. *Provided nevertheless*, That the company may commence receiving tolls upon the completion of one of said tracks; *And provided moreover*, That the ordinary jurisdiction on said road, shall not cease until said company is actually formed and the work commenced.

JORDAN STOKES,

*Speaker of the House of Representatives.*

M. R. HILL,

*Speaker of the Senate.*

Passed, February 27, 1852.

## CHAPTER CCXXXV.

AN ACT to incorporate Boydsville Lodge of Free and Accepted Masons, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the officers and members of Boydsville Lodge No. 122, and their successors be, and they are hereby constituted a body corporate and politic, by the name and style of Boydsville Lodge of Free and Accepted Masons, with the power by that name to sue and be sued, plead and be impleaded, answer and be answered unto, in all kinds of suits and actions, and generally to do and perform all other acts and things, which bodies corporate may lawfully do for the purposes hereinafter named. Incorporation.

SEC. 2. *Be it enacted,* That the corporation shall have power to receive by gift, donation or purchase, and hold personal and real property, to sell, exchange, mortgage, or otherwise dispose of the same, as in their judgment may best subserve the interests of said corporation. Powers

SEC. 3. *Be it further enacted,* That the said officers and members of Boydsville Lodge of Free and Accepted Masons, and their successors, shall have power to make all by-laws and regulations necessary for their own government, to choose their own officers in such manner as they shall prescribe, to prescribe the mode in which their successors shall be chosen, to fill vacancies, and to do such other acts and things necessary and proper to carry out the objects of this corporation. *Provided,* They are not inconsistent with the constitution and laws of this State.

SEC. 4. *Be it enacted,* That the present officers of the Grand Temple of Honor in this State, and their successors in office be, and they are hereby created a body corporate and politic, under the name and style of the Grand Temple of Honor of Tennessee, and in that name shall have power to buy, hold and sell property, and sue and be sued, and transact such business and exercise such powers as are incident to corporations, but it is not intended hereby to authorize said Grand Temple of Honor, to hold at any time more real estate than may be necessary for its accommodation as a society, or for seminaries of learning or hospitals. Grand Temple of Honor of Tennessee.

SEC. 5. *Be it enacted,* That each subordinate Temple of Honor that has been or may be hereafter chartered and established in the State, according to the constitution and usages of the order, shall be a body Subordinate Temples.

corporate by the name given to it in their charters respectively, and in such name, may sue and be sued, and transact such other business as may be necessary for them as societies; and they may also in such name hold so much real estate as may be necessary for halls and grounds for their meetings, or for such schools or hospitals as they may desire to establish.

JORDAN STOKES,

*Speaker of the House of Representatives.*

M. R. HILL,

*Speaker of the Senate.*

Passed, February 21, 1852.

## CHAPTER CCXXXVI.

AN ACT to incorporate the South Nashville Furniture Manufacturing Company, and for other purposes.

*Incorporation.* SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That a body corporate and politic is hereby constituted by the name and style of the South Nashville Furniture Manufacturing Company, for manufacturing Furniture and Cabinet ware of all kinds, and said company shall have all the powers and privileges, and be subject to all the restrictions and liabilities conferred upon the Nashville and Farmer's Manufacturing company, by an act passed the 2d of January, 1850, entitled an act to incorporate the Nashville and Farmer's Manufacturing company.

*Capital Stock.* SEC. 2. *Be it enacted,* That the capital stock shall be ten thousand dollars, to be divided into shares of one hundred dollars each, and the company shall have power to increase the capital stock to thirty thousand dollars, and whenever five thousand dollars of the capital stock shall be subscribed for, the company may organize by the election of its officers, as prescribed in said act of 2d of January, 1850.

*Commissioners.* SEC. 3. *Be it enacted,* That Isaac Paul, James M. Murrell, Charles K. Winston, R. H. Grooms, Charles Conger, William L. Nance, William Fisher, John D. James, B. Winston and C. F. Wright, be and they are constituted a board of commissioners to procure the subscription for said capital stock and to manage the affairs of the company till fully organized as aforesaid,

and that this act shall take effect from and after its passage.

SEC. 4. *Be it enacted*, That a body politic and corporate by the name of the Tennessee Bucket and Lumber Manufacturing Company, for the purpose of manufacturing hollow ware of cedar, pine and other wood, buckets, tubs and such like articles for house and plantation use, and for sawing and dressing and preparing lumber, in all its varieties, for house and steamboat building and repairing, and for other uses, is hereby constituted with all the powers and privileges, and subject to all the restrictions and liabilities contained in an act passed the 17th November, 1851, entitled an act to incorporate the Agricultural Manufacturing company.

Tennessee Bucket and Lumber Manufacturing Company.

SEC. 5. *Be it enacted*, That R. B. Castleman, Alexander Allison, S. D. Morgan, John Thompson, John M. Bass, A. W. Putnam, D. S. Nye, Joseph Lovell, Jacob McGavock, be and the same are hereby appointed commissioners with the power and authority conferred upon the commissioners named in the 4th section of the above recited act.

Commissioners

SEC. 6. *Be it further enacted*, That Doctors George B. Grant, W. V. Taylor, Mark B. Sappington, A. K. Taylor, H. R. Roberds, Thomas McGown, George A. Smith, John H. Morris and A. P. Murrill, and their associates and successors, be hereby incorporated and made a body politic by the name of the Memphis Medical Society, with power to adopt a constitution and by-laws for the government of the society, to keep a corporate seal, to sue and be sued, plead and be impleaded, to hold real estate to the extent that may be required for the use of the society, and personal property, to embrace all contributions and legacies; and all books, papers, and collections relating to matters of science, to issue certificates of membership, both regular and honorary, and to do such other acts and things, as the society may deem necessary or proper for the mutual improvement of its members, the advancement of medical science and learning, the cure of diseases, and the preservation of the public health. *Provided*, They be not inconsistent with the laws of the land.

Memphis Medical Society.

JORDAN STOKES,

*Speaker of the House of Representatives.*

M. R. HILL,

*Speaker of the Senate.*

Passed, February 16, 1852.

## CHAPTER CCXXXVII.

AN ACT to incorporate the Waynesboro' and Savannah, and the Trenton and Troy Turnpike Companies.

**Waynesboro' and Savannah Turnpike.** SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That all persons who shall become stockholders pursuant to this act, shall be and they are hereby constituted a body politic and corporate by the name and style of the Waynesboro' and Savannah Turnpike Company, that by and name may sue and be sued, plead and be impleaded, and have and enjoy all the rights, privileges and powers appertaining to bodies politic and corporate by law, for the term of ninety-nine years, and shall have succession.

**Commissioners.** SEC. 2. That A. G. McDougal, Abram Montague, R. A. Hill, Robt. P. Bailey, James L. Smith, John S. Broyles and George F. Benton, or any five of them, be and they are hereby appointed commissioners to open books to receive subscriptions for stock in said company, at such times and places as they may think best, after giving due notice of the same.

**Capital stock.** SEC. 3. That the capital stock of said company shall be fifty thousand dollars, with the privilege of increasing the same to one hundred thousand dollars, should it be deemed necessary for the completion of the road, which sum shall be divided into shares of fifty dollars each, to be applied to making a turnpike road from the town of Waynesboro', in the county of Wayne, to the town of Savannah in the county of Hardin, beginning at or near Waynesboro' and running in the direction of the main road now running from Waynesboro' to Savannah.

**Directory.** SEC. 4. That so soon as ten thousand dollars in stock shall be subscribed, the stockholders shall meet in the town of Savannah, after giving due notice of the same, and proceed to elect five directors, any three of whom may transact business, who shall elect one of their body president of the board, and pass by-laws, and fully organize said company. The said directors shall be elected from among those owning stock, and each stockholder shall be entitled to one vote for each share of stock he may own in said road; and the said president and directors, or a majority of them, when elected, shall proceed to locate said road according to the third section of this act.

**Style of road.** SEC. 5. That said road shall be graded, at least fifteen feet wide, with a grade not to exceed five degrees, with sufficient ditches to carry off the water;

and paved with gravel or stone when necessary, and substantial bridges built when necessary, and the said president and directors of said road, shall designate when it is necessary to pave said road with gravel or stone, and when bridges shall be built.

Sec. 6. Said company shall have two years from the passage of this act to commence said road, and six years thereafter within which to complete said road, with the privilege of putting up one gate when five miles of said road shall be completed, and one additional gate for every five miles of said road when completed, at which gates such toll may be charged and received as is now provided by law, for toll on the Lebanon and Nashville turnpike road. *Provided*, That said company may have the privilege of uniting two or more of said gates, and receive the same amount of toll at such place as they would be entitled to receive at the several gates thus united. Toll.

Sec. 7. That the stock in said company may be transferred as provided by law, in regard to the stock of the Lebanon and Nashville turnpike company, and that the first election for directors shall be held as provided in the 4th section of this act, and ever thereafter on the first Monday in January, in each and every year. Election of Directors.

Sec. 8. That in all other respects, the said company shall have the same powers, modes of procedure, and be subject to the same rules and restrictions, in regard to the stockholders failing to pay damages to persons whose lands said road may run on, and in all respects in regard to other matters, as provided in the charter of the Lebanon and Nashville turnpike company, not otherwise provided for in this act. Powers.

Sec. 9. That the said company when fully organized, shall have the benefit of the old road now running from Waynesboro' to Savannah.

Sec. 10. That the said company may extend the said road west of the Tennessee river to the Highlands, in the direction of the town of Purdy in the county of McNairy, by subscribing the sum of ten thousand dollars additional stock, and have the further time of two years within which to complete said extension; and when so completed, they may erect one gate on said extension and receive the same tolls; and in all other respects be subject to the same privileges and restrictions, as provided in this act, for the said turnpike road from Waynesboro' to Savannah. Extension to wards Purdy.

Sec. 11. *Be it enacted*, That for the purpose of constructing a turnpike upon the road leading from Troy, Trenton and Troy Turnpike company. in the direction of Troy, Joseph Garwood, Baptist

Boyett, and their associates, shall constitute a body corporate by the name and style of the Trenton and Troy turnpike company, that by that name, they shall sue and be sued, plead and be impleaded, answer and be answered unto, in any court in this State or the United States, and have perpetual succession, and the charter hereby granted shall continue for the period of ninety-nine years, to have a common seal, and the same to break or destroy at pleasure, they shall have the power and privilege of constructing a turnpike road across the overflowed lands and bottoms of the Obion river, between Trenton and Troy, either along the old road bed and where the former turnpike was located, or at such other place as they may think proper, they may build bridges across the river or keep up a ferry at their discretion.

**SEC. 12.** *Be it enacted,* That said company shall throw up a levy and causeway the same; through the bottom, bridge all the sloughs; said levy shall be above high water mark, and extend from the high lands on one side of the river to the high lands on the other side, and that they shall keep the same in good repair.

**SEC. 13.** *Be it enacted,* That said company shall have power to own, buy, sell, rent, hire real estate or slaves, or such other property as they may find necessary, for the more convenient and successful construction of and keeping in repair said turnpike and ferry; they shall have power to make all such contracts as they may find necessary in the building and keeping up said turnpike and ferry, to be evidenced in such manner as said company by its rules and regulations may direct, which rules and regulations for their government, said company are hereby authorized to make.

**SEC. 14.** *Be it enacted,* That said company may for the purpose of building, repairing or re-building said turnpike, or keeping up said ferry, enter upon and use any lands, timber, earth or other materials they may find necessary or convenient, in all cases compensating the owners thereof, and in case of disagreement as to the value of any such earth, timber or other materials, it shall be the duty of the county courts of Obion or Gibson counties, as the case may be, at the request of the parties, to appoint five disinterested free holders, who shall examine and report the value of the same to the next term of said court or courts, and their awards as to the same, shall be final; and in case of any controversy arising between said company and any individual, as to the right of way, the matter shall

be adjusted in the same manner as provided in the 5th and 6th sections of the act chartering the Mobile and Ohio rail road company, and Tennessee Central rail road company, passed the 28th day of January, 1848, which are hereby made and declared to be portions of this charter.

Sec. 15. *Be it enacted*, That the said Trenton and Troy turnpike company, shall be authorize to charge <sup>Tolls.</sup> and receive the same tolls for passing over the same as were authorized to be charged and received by the 20th section of an act incorporating the Obion river turnpike company, passed the 5th day of February, 1850, chap. 243.

Sec. 16. *Be it enacted*, That any person or persons, who shall obstruct said road, or destroy or injure the levy, causeway bridges, ferry-boat, or any other appendages in and about said road or ferry, and belonging to said company, shall be guilty of a misdemeanor, and on conviction thereof, shall be punished as in other misdemeanors. <sup>Penalty for obstructions, &c.</sup>

Sec. 17. *Be it enacted*, That this shall be a public act, and the several courts in this State shall judicially take notice of it, and it shall not be necessary in any case to plead the same.

JORDAN STOKES,

*Speaker of the House of Representatives.*

M. R. HILL,

*Speaker of the Senate.*

Passed, February 24, 1852.

## CHAPTER CCXXXVIII.

AN ACT to incorporate the Atlantic, Tennessee and Ohio Railroad Company, and for other purposes

**SECTION 1.** *Be it enacted by the General Assembly of the State of Tennessee,* That for the purpose of establishing a communication by railroad between the waters of the Atlantic and the Ohio river, through the States of North Carolina, Tennessee, Virginia and Kentucky, the formation of a company, to be called the Atlantic, Tennessee and Ohio Railroad Company is hereby authorized, which, when formed, shall have corporate existence in each of the States aforesaid.

**SEC. 2.** Books of subscription for sixty thousand shares of the capital stock of said company, of fifty dollars each, shall be opened on the first Monday in July, 1854, and shall be kept open for twenty days, (Sundays excepted,) between the hours of ten o'clock, a. m., and four o'clock, p. m., at the following places, and by the following commissioners, on each of those days:

At Charleston, in the State of South Carolina, by James Gadsden, George A. Trenholm, James S. Bowie, Kerr Boyce and Samuel Farrar.

At Charlotte, Lincolnton, Morganton, Statesville, Salisbury, Taylorsville, Wilksboro', Concord, Lenonville and Boon, in the State of North Carolina, and at such other places, and by such commissioners at each of said places, as the legislature or governor of said State shall appoint.

At Taylorsville, M. M. Wagner, Isaac W. McQueen, A. D. Smith, Green Moore and E. L. Dugger.

At Elizabethton, Nathaniel G. Taylor, William Stover, Isaac P. Tipton, William Rockhold and Jacob Cameron.

At Jonesborough, John A. Wilds, John F. Deaderick, Landon C. Haynes, Wm. H. Crouch and Seth J. W. Luckey.

At Broyles' store, Washington county, Adam A. Broyles, Jacob Klipper, Samuel Mitchell, Soam G. Waddle and William Tyler.

At Middletown, Sullivan county, Abram McClelland, Michael Massengill, Elkaney Millard, Jesse Cross and David McClelland.

At Paperville, William Hammer, John R. Dulaney, John King, James Rader and Valentine Bidleman.

At Blountville, Samuel Rhea, William Anderson, William Gammon, Abram Tipton and W. W. James.

At Kingsport, William Lynn, James H. Vance, Armstead Wall, Griffith Rogan and Robert Patton.

At Rogersville, Joshua Phips, Wm. Lyons, Joseph Heiskell, Dix Alexander and Orville Rice.

At Fall Branch, James A. Wells, Thos. H. Crouch, John Easley, George James and John Vincent.

At Greenville, Alexander Williams, William Lowry, James P. McDowel, John McGaughey and Joseph Brown.

At Rheatown, Joseph Henderson, Joseph Earnest, Loyd A. Cox, James Johnson and Jacob Naff.

At Graysburg, Nathan Morelock, Wm. Stonecypher, James Perry, Robert Thompson and Wm. Crawford, in the State of Tennessee.

At Abingdon, Saltville, Marion, Estelville, Jonesville, and such other places, in the State of Virginia, and by five such commissioners at each of said places as the Legislature or Governor, of the last mentioned State, shall designate or appoint.

At Maysville, Lexington, Frankfort, Springfield, Catlettsburg, Greenupsburg, Canterbury, Prestonsburg, Paintville, Perry C. H., Louisville, Piketon and Letcher, and such other places, in the State of Kentucky, and by five such commissioners, at each of said places, as the Legislature or Governor, of the last mentioned State, shall designate and appoint.

SEC. 3. The said commissioners, or a majority of them, at each of the aforesaid places, or so as aforesaid to be designated, shall receive subscriptions of stock in the railroad company during the time the said books are directed to be kept open; and on each share so subscribed, may call for and receive the sum of one dollar, but should the sum of one dollar not be required to be paid at the time of making said subscription, it shall in no wise vitiate said subscription, but the commissioners, or their successors, may call for and receive the said one dollar at any time thereafter. One dollar call.

SEC. 4. As soon as the time of receiving subscriptions, so as aforesaid, shall have expired, the said commissioners shall deposit the money, so received, in some incorporated bank, redeeming its notes in specie, to the credit of the Atlantic, Tennessee and Ohio Railroad Company, but should it not be practicable or convenient to deposit the money in some incorporated bank, the said commissioners may be authorized to retain said advance payment of one dollar, and shall also forward a correct list of all the subscribers to the said stock, with the number of shares each subscriber has taken, noting what has been paid, by whom, and from whom the one dollar has not been collected, to a Central Commission, to be composed of the following persons:

Central Com-  
mission.

Company when  
formed.

Books to be  
closed.

Wm. A. Lenoir, of Lenoirville, North Carolina; A. E. Jackson, of Washington county, and John S. Gaines, of Sullivan county, Tennessee; Samuel Goodson, of Washington county, Virginia, and William Brashears, of Brashearsville, Kentucky, who, or a majority of whom, shall meet at Jonesborough, on the first Monday of October, 1854, ascertain the whole number of shares taken in said company, and if the number of five thousand shares shall have been taken, the Atlantic, Tennessee and Ohio Railroad Company shall be regarded as formed, but if the number of five thousand shares shall not have been so subscribed, the central commission may forthwith direct the individuals composing the first named committee to re-open said books of subscription on the first Monday of November, 1854, at the places designated in the 2nd section of this act, and keep them open for the space of ten days, from the hours of ten o'clock, a. m., and four o'clock, p. m., on each of those days, at the places, and by the persons, in each of the States mentioned in said 2nd section, and the said commissioners, or any one of them, may by themselves or agents, receive subscriptions of stock to the said company at any other places than those mentioned in said 2nd section, during the said specified period of ten days, at the expiration of which it shall be their duty to forward a correct list of the subscriptions so obtained on the second opening of the books of said railroad company, and shall deposit the money, so received on said subscriptions, as before directed, and report the same to the Central Commission, who, or a majority of whom, shall again assemble at Jonesborough, Tennessee, on the first Monday of January following, to ascertain the number of shares taken on the re-opening the books of subscription, and if it shall be found upon adding the number last obtained to those received on the first opening the books, that five thousand shares shall have been subscribed, the Atlantic, Tennessee and Ohio Railroad Company shall be regarded as formed, and the said Central Commission, or a majority of them, shall sign and seal four duplicate declarations to that effect, with the names of all the subscribers appended, and cause one of the duplicates to be forwarded to the Secretary of State in each of the States of North Carolina, Tennessee, Virginia and Kentucky, by them to be filed in their office, and thenceforth, and from the day of closing the books of subscription as aforesaid, the said subscribers to the stock shall form a body politic and corporate in deed and

in law, in all the States aforesaid, by the name and for the purpose aforesaid.

Sec. 5. That in case any of the persons forming the said Central Commission should not attend at Jonesborough, on the said first Monday of October, 1854, or secondly, on the said first Monday in November, 1854, or attending, should refuse or be unable to act, the remaining number or numbers of the said Central Commission shall forthwith fill the vacancy, and the person or persons so appointed shall constitute a part of said commission.

Central Commissioners may fill vacancies.

Sec. 6. But if on closing the books aforesaid the number of five thousand shares shall not have been subscribed, then, and in that case, said Central Commission, by themselves or their agents, may receive subscriptions from any of the States of Ohio, Kentucky, Virginia, Tennessee, North Carolina or South Carolina, and also from individuals or bodies corporate, till the number of five thousand shares shall have been subscribed. *Provided*, The same be done on or before the first day of January, 1855, and when the said number of five thousand shares shall have been subscribed, if the same shall have been done on or before the day last aforesaid, and on that day, if a less number, but amounting to three thousand shares or more, shall then have been subscribed, the said books of subscription shall be closed, the subscribers shall thenceforth form a body politic as aforesaid, and the declaration thereof shall be made and deposited in the office of the Secretary of State in manner aforesaid.

May receive subscriptions.

Sec. 7. But if on closing the books, on the first day of January, 1855, the number of three thousand shares shall not have been subscribed, the money paid by each subscriber shall be returned to him by one or more of the commissioners, after first deducting therefrom whatever expense may have occurred in the opening of the books of subscription, either by giving a check for the amount, if deposited in some bank, or an order on the person in whose hands it may have been retained, which the said bank, or person holding the money, shall be bound to pay, only in case the Central Commission, or a majority of them, shall have published a declaration, that the formation of the company has failed for the want of three thousand shares having been subscribed.

May refund money.

Sec. 8. The said Atlantic, Tennessee and Ohio Railroad Company, so formed as aforesaid, shall have perpetual succession of members; may have a common seal; may sue and be sued, plead and be impleaded in any court of law or equity in the States of Kentucky,

Rules & by-laws.

Virginia, Tennessee or North Carolina, and may make all such regulations, rules and by-laws as are necessary for the government of the corporation, or effecting the object for which it was created. *Provided*, Such rules and by-laws shall not be repugnant to the laws or constitution of the said States, or of the United States.

Directors.

SEC. 9. The affairs of the said company shall be managed and directed by a board, to consist of fifteen directors, of whom four shall be elected from the State of North Carolina, five from the State of Tennessee, three from the State of Virginia, and three from the State of Kentucky, each of whom shall be the owner, in his own name and right, of at least ten shares in the stock of the said railroad company, and shall have so held it at least three months previous to the election at which he shall have been elected a director, except in the election of the first board of directors. The president shall be elected from among their own number, in such manner as the regulations of the company may prescribe.

Election of directors how made.

SEC. 10. As soon as the number of three thousand shares shall have been subscribed, it shall be the duty of the Central Commission, or a majority of them, to declare the same, to appoint a time for the stockholders to meet at Jonesborough, in the State of Tennessee, which they shall cause to be published in one or more newspapers in the several States of North Carolina, Tennessee, Virginia and Kentucky, or such other States as they may think proper, at which time and place the stockholders, in person or by proxy, shall proceed to elect the directors of the company, and to enact all such regulations, rules and by-laws as may be necessary for the government of the corporation and the transaction of its business, but should they fail to enact such by-laws for the government of the board of directors, it may be lawful for the board to enact such rules and by-laws for their own government as to them may seem needful and proper, provided two-thirds of the board may concur therein, but it shall be lawful for the stockholders, when in convention assembled, to rescind, alter or amend any such by-law, as to them may seem inequitable or improper, that may have been adopted by the board of directors. The persons elected, at the first meeting of the stockholders, directors, shall serve for a period not exceeding twelve months, and such elections shall thenceforth be annually held at the town of Jonesborough, in the State of Tennessee, but if the day of annual election shall pass without any election being made, the corporation shall not thereby be dissolved,

but it shall be lawful on any other day to hold and make such election, in such manner as may be prescribed by a by-law of the corporation, and the old board shall continue to serve until the new board shall be elected.

SEC. 11. The board of directors, a majority of the whole number concurring, may expel a member for any wanton violation of the rules and by-laws of the corporation, and any member's seat may be declared forfeited who continues to absent himself from the meetings of the board; and all such vacancies, and those that occur by death or resignation, may be filled by the board during the period for which they were elected, and in the absence of the president, may fill his place by electing one of their number president pro tempore.

Directors may  
expel members  
for violating rules.

SEC. 12. The board of directors, at each annual election, may appoint an Executive Committee, to be composed of not less than three, nor more than five persons, who shall be stockholders, in each of the States through which the Atlantic, Tennessee and Ohio Railroad may pass, who may be authorized to transact such local business as may be entrusted to them by the board of directors, under such rules and regulations as may be prescribed, of which number, before proceeding to act, they shall elect a chairman and secretary, a minute of whose proceedings shall be kept in a book, and shall report every three months their proceedings to the board of directors, and should they fail at any time to carry out the instructions of the board, or be incompetent, may be removed and others appointed.

Executive Com-  
mittee may be  
appoint'd in each  
State.

SEC. 13. All contracts and agreements authenticated by the president and secretary, shall be binding on the company with or without seal, or such other mode of authentication may be used as the company or board of directors by their by-laws may adopt.

May use seal

SEC. 14. The board of directors shall have power to construct, as speedily as their means will permit, a railroad, with one or more tracks, to be used with steam, animal or other power, between Charlotte, North Carolina, and some point on the East Tennessee and Virginia Railroad, at or near Jonesborough, in Washington county, and from such connection by the way of the Moccasin Gap of Clinch Mountain, in the State of Virginia, by the most practicable line to the head waters of the Big Sandy river; thence the most eligible route to the Ohio river, and may put under contract any portion of the road, at either or both ends, or at its intersection with the East Tennessee and Virginia Railroad, and shall be required to build only so much of the road

May locate and  
construct road.

as the means of the company will permit. The location to be fixed by the board of directors, subject to the control of the stockholders, at a general meeting. The said company may use any section of said railroad before the whole shall be completed, subject to the rates hereinafter mentioned.

Branch roads,

SEC. 15. That said company may construct branches, provided such branches shall not conflict with any chartered rights existing at the time of their construction, and provided they shall be attended with no exclusive privileges, except the exclusive right of transportation of goods, wares, merchandize, produce and persons thereon, subject to the rates hereinafter mentioned.

Rates of carriage.

SEC. 16. That the said company shall have the exclusive right of transportation or conveyance of persons, goods, merchandize, and produce over the said railroad by them to be constructed. *Provided*, The charges of transportation or conveyance shall not exceed thirty-five cents per hundred pounds on heavy articles, or ten cents per cubic foot on articles of measurement, for every hundred miles, and five cents a mile for every passenger. *And provided also*, That the said company may, when they see fit, farm out their right to transportation on the said road, subject to the rates above mentioned.

Common carrier.

SEC. 17. The said company and every person who may have received from them the right of transportation of goods, wares and produce, on the said road, shall be deemed and taken to be a common carrier as respects all goods, wares, merchandize and produce entrusted to them for transportation.

Calls on stock.

SEC. 18. The board of directors may call for the payment of forty-nine dollars on each share of the stock, in sums not exceeding five dollars, in every three months. The call for such instalment shall be advertised in one or more newspapers in North Carolina, Tennessee, Virginia and Kentucky, and in such other States, and in such other manner as they may think proper, at least one month before the time the same is to be paid, and failure to pay or secure to be paid, according to the rules of the company, shall induce a forfeiture of the share or shares, on which default shall be so made, and the board of directors may, at their option, declare the same forfeited, or they may take such steps for the collection of the amount in default as to them may seem right and proper, and should they declare the share or shares forfeited, whatever payments may have been made thereon, shall vest in and belong to the company,

and may be appropriated as they shall see proper, and the stock so forfeited may be sold to any other person.

SEC. 19. The said company may at any time increase its capital to a sum sufficient to complete the said road, and stock it with every thing necessary to give it full operation and effect, either by opening books for new stock, or by selling such new stock, or by borrowing money on the credit of the company on the mortgage of its charter and works. May increase stock.

SEC. 20. The stock of the company may be transferred in such manner and form as may be directed by the by-laws of the company. Transfer of stock.

SEC. 21. It shall be lawful for said company, from time to time, to vest so much or such parts of their capital or of their profits, as may not be required for immediate use, until it may be so required, in the public stocks, or in the stock of any branch or other road connecting with said railroad, in the States of North Carolina, Tennessee, Virginia, Kentucky or Ohio, or in any incorporated bank in the said States. *Provided*, The same shall at no time exceed one million of dollars, and the same be submitted to the stockholders at a general meeting, and be approved by them, provided one-half the stock of said company be represented in said general meeting. May vest capital in other stock.

SEC. 22. The board of directors shall once in every year, at least, make a full report on the state of the company and its affairs, to a general meeting of the stockholders, and oftener if directed by a by-law, and shall have the power to call a general meeting of the stockholders, when the board may deem it expedient, and the company may provide in their by-laws for additional meetings being called, and prescribe the mode thereof, and the company may provide by a by-law, for the votes of stockholders at more than one place, as also for taking their votes on any question relative to the repeal, alteration or amendment of, or addition to any of the rules, regulations or by-laws of the company, proposed by the board of directors. Board to report.

SEC. 23. No person but a citizen of the United States, and a bona fide stockholder, in his own right, of at least ten shares, which he shall have held at least three months previous to his election, (except at the first election,) shall be a director of said company, nor shall any stockholder vote in person or by proxy at any general or other election, (except the first,) who shall not have held, in his own right, the share or shares on which he offers to vote, at least three months previous to such election, nor shall any stockholder vote in person or by Qualifications of stockholders and directors.

proxy who has failed or refused to pay any of the instalments made by said company, in proof of which the person so offering to vote may be required to produce his receipt, or take an oath or affirmation, that the same has been paid, or if he shall tender the amount then due on said shares at the time of offering to vote, his vote shall be received.

Quorum.

SEC. 24. The stockholders may provide by a by-law as to the number of stockholders, and the amount of stock to be held by them, which shall constitute a quorum for transacting business at any regular or occasional meeting of stockholders or directors.

Officers not to be interested in work.

SEC. 25. No member of the general board or of the executive committee, or agent of the company, shall be directly or indirectly interested in any contract for work, nor shall any director vote on the passage of any bill for materials, in which he is directly or indirectly concerned, and every officer, director or agent violating this provision may be removed from the board, his office, or employment, by vote of the directors.

Proxy.

SEC. 26. Any stockholder in the company may vote by proxy, who must be a resident of the United States, and before he votes he may be required by any stockholder to swear, that to his belief the stock bona fide belongs to the person whom he represents. Before any stockholder votes in his own right, or for an estate, he may be required by any stockholder to swear that he is the bona fide owner of the said stock, in his own right, or as the legal representative of the testator or intestate whom he represents, and that no other person but himself or the estate is directly or indirectly interested therein to his belief. Any State or county, holding stock, may vote by such person or persons as the legislature or governor thereof may appoint, or as may be appointed in any other way pursuant to the laws of the State made for that purpose.

Scale of voting.

SEC. 27. That in the election of directors, and in voting on all questions, which may come before a meeting of the stockholders, or which may be submitted to the decision of the stockholders in any other manner, the votes shall be taken according to the following scale: The owner of one or two shares shall be entitled to one vote; the owner of not less than three nor more than four shares shall be entitled to two votes; the owner of not less than five nor more than six shares shall be entitled to three votes; the owner of not less than seven nor more than eight shares shall be entitled to four votes; the owner of not less than nine nor more than ten shares shall be entitled to five votes; the owner of

not less than twelve nor more than fifteen shares to six votes; the owner of not less than sixteen nor more than twenty shares shall be entitled to seven votes; the owner of not less than twenty-one nor more than twenty-six shares shall be entitled to eight votes; and the owner of not less than twenty-seven nor more than thirty-three shares shall be entitled to nine votes, and the owner of not less than thirty-four nor more than forty shares shall be entitled to ten votes; and the owner of every ten shares above forty shall be entitled therefor to one vote, *Provided*, That no individual, corporation or State, holding stock in said company, shall be entitled to more than five hundred votes, and one vote for every fifty shares over five thousand shares.

SEC. 28. The said company may purchase, have and May hold lands. hold in fee, or for a term of years, any lands, tenements or hereditaments, which may be necessary for the said road, or for the erection of depositories, store houses, houses for officers, servants or agents of the company, or for workshops, or for foundaries to be used for the said company, or for procuring timber, stone, or other materials to be used in the construction of said road, or for effecting transportation thereon.

SEC. 29. That the said company shall have the right; May cross water courses. when necessary, to conduct the said road across or along any public road or water course. *Provided*, That the said road, and the navigation of such water course, shall not be thereby obstructed.

SEC. 30. The said company may purchase, have and May purchase bridges and turnpike. hold any bridge or turnpike over which or along which it may be necessary to carry said road, and when purchase is made, to hold the said bridge or turnpike road on the same terms, and with all the rights which belong to the individual, individuals or corporation from which such purchase may be made. *Provided*, The said company shall not obstruct any public road without constructing another as convenient as may be.

SEC. 31. The president and directors of said company, Damages. or a majority of them or their authorized agents, may agree with the owner of any land, earth, timber or stone, or any other materials or improvements, which may be wanted for the construction or repair of any of said road, or any of their works for the purchase or use and occupation of the same, and if they cannot agree, and if the owner or owners, or any of them, be a feme covert, under age, non compos mentis, or out of the county in which the property wanted may lie, where such land or material may be wanted, application may be made to any justice of the peace of such

county, who shall thereupon issue his warrant under his hand, directed to the sheriff of such county, requiring him to summon a jury of five freeholders, not related to any of the parties or in any wise interested, to meet on the land, or near the property or materials to be valued, on a day named in said warrant, not less than ten nor more than twenty days after the issuing of his warrant; and if, at the time and place, any of said jurors do not attend, said sheriff shall forthwith summon as many jurors as may be necessary, with the jurors in attendance, who shall act as the jury of inquest of damages, and before they act as such, the said sheriff or other authorized person, shall administer to each of them an oath or affirmation, that he will justly and impartially fix the damages which the owner or owners shall sustain by the use and occupation of said property required by the company, and the said jury, in estimating such damages, shall take into consideration the benefits resulting to the owner from conducting said road by, through or near the property of said owners, but only in extinguishment of damages; and said jury, or a majority, agreeing, shall reduce their verdict to writing, and shall sign the same, and it shall be returned by the sheriff to the clerk of the county court, and by such clerk shall be filed in his office, and shall be confirmed by the court of said county at its next session, if no sufficient cause to the contrary be shown, and when so confirmed shall be recorded by said clerk at the expense of the company, but if set aside, or on the application of either party, the court shall direct another inquisition to be taken, and shall nominate five other jurors or commissioners, and direct the sheriff to summon them to repair to the premises within twenty days, and proceed to discharge their duty in the same manner as above prescribed for the first named jury, and shall report their award to the circuit court, held for said county, at its first session, the judgment of which court shall be final and conclusive, unless appealed from by one of the parties; but that the work may not be delayed or the progress of the road hindered, it shall be lawful for the president and directors of said company, by themselves or their agents, after the assessment of damages by the first jury of inquest, to enter upon the premises and appropriate to the use of the company any land, earth, timber, stone, or other materials necessary for the construction of said railroad, subject to the payment of whatever damages may be awarded by the court to which an appeal may be taken. The jury of inquisition shall describe the property taken, or the bounds of

the land condemned, and the duration of interest in the same, valued for the company in the report, and such valuation when tendered or paid to the owner or owners of said property, or his, her or their legal representatives, shall entitle said company to the estate and interest in the same thus valued, as fully as if it had been conveyed by the owner or owners of the same; and the valuation if not received when tendered, may be deposited in the office of the clerk of the court where the judgment was recorded.

Sec. 32. After the closing of the books of subscription, and an experimental survey being made of the route from Charlotte, North Carolina, to the point of intersection with the East Tennessee and Virginia Railroad, or from such intersection to the Ohio river or any part thereof, the company shall have five years to commence the graduation of any part of said road, and shall be allowed fifteen years thereafter to finish and put in operation either branch of the road.

Time to begin  
and finish.

Sec. 33. If any person shall wilfully and maliciously destroy, or in any manner hurt, damage or obstruct the said road, or any bridge or vehicle used for or in the transportation thereon, such person shall be liable to be indicted therefor, and on conviction, shall be imprisoned not more than six nor less than one month, and pay a fine of not less than fifty dollars; and shall be further liable to pay all the expenses of repairing the same, and it shall not be competent for any person, so offending against the provisions of this clause, to defend himself by pleading or giving in evidence, that he was the owner, agent or servant of the owner of such land where such destruction, damage or obstruction was done at the time the same was caused or done. And every obstruction to the free passage of vehicles on the said road shall be deemed a public nuisance, and may be abated by any officer or agent of the company, and the person creating such, shall be liable to indictment.

Penalty for ob-  
struction, &c.

Sec. 34. The said company shall have the right to take at the store houses they may establish and annex to their railroad, all goods, wares, merchandize and produce intended for transportation, prescribe the rules of priority, and charge and receive such just and reasonable compensation for storage as they by rules may establish and publish, or as may be fixed by agreement with the owner, which may be distinct from the rates of transportation. *Provided*, That the said company shall not charge or receive storage on goods, wares, merchandize or produce which may be delivered to them at their regular depositories for immediate trans-

Storage.

portation, and which the said company may have the power immediately to transport.

Dividends.

SEC. 35. The profits of the company or so much thereof as the board of directors may deemed advisable, when the affairs of the company may permit, shall be semi-annually divided among the stockholders, in proportion to the stock each may hold.

Additional Powers

SEC. 36. The said company shall possess such additional powers as may be convenient for the due and successful execution of the powers granted in this charter, and for the successful construction and management of the work. This charter, however, may be amended from time to time by the legislatures of the several States interested, whenever two-thirds of the board of directors shall petition for amendments; and when such amendments shall be adopted by the legislatures and submitted to the directory, to be accepted and adopted by a vote of two-thirds of the then existing board of directors, they shall be obligatory on the company and not otherwise.

Exemptions.

SEC. 37. The president, directors, clerks, agents, officers and servants of said company shall be exempt from military duty, except in cases of invasion or insurrection, and shall also be exempt from serving on juries and working on public roads. And the capital stock of this company shall forever be free from taxation; and the road with all its fixtures and appurtenances, including workshops, ware-houses and vehicles for transportation, shall be exempt from taxation for the period of twenty years from the completion of said railroad, and no longer. The company shall have full power and authority to purchase and own such number of slaves as may be necessary for the construction of said road and keeping the same in repair, which shall like wise be exempt from taxation.

Reciprocal privileges with other roads.

SEC. 38. The said company may connect with the East Tennessee and Virginia Railroad at any point that may be agreed upon by the two companies, and it may be lawful, should the connection not be made at any regular depot, to use the track of said East Tennessee and Virginia Railroad in running to the nearest depot in either direction from the point of intersection, on such terms as may be fair and equitable, and may be agreed upon by the companies, and so as not to interfere with the running of the trains of cars on said East Tennessee and Virginia Railroad; and it shall be the duty of this company, when required, to extend the same privileges to other roads, and to receive on their road the full loaded freight cars of the East Tennessee

and Virginia Railroad Company, and such branches as may be constructed, and transport the same to their destination, without changing the loads thereof, or charging for the goods, wares, merchandize and produce therein, any greater rate of freight than is charged for similar goods, wares, merchandize or produce in their own cars, and return the cars so received. *Provided*, The tracks are of corresponding width, and that similar privileges are extended to this company.

SEC. 39. In the event any of the States through which the Atlantic, Tennessee and Ohio Railroad may pass, shall fail to re-enact this charter, it may be lawful to distribute the portion of the directory provided for said State in the 9th section of this act, among the other States, according to the amount of their subscriptions, or may be given to other States where considerable subscriptions have been obtained; and should the citizens of South Carolina, Ohio or other States subscribe for two hundred thousand dollars in the stock of this company, it may be lawful for them to be entitled to the election of one director from said stockholders, and for every additional two hundred and fifty thousand dollars, they shall be entitled to one other director, which may be provided for by a by-law of the company. Directory.

SEC. 40. It may be lawful, upon the re-enactment of this charter by the State of North Carolina, for the commissioners named in the 2nd section of this act in the States of North Carolina and Tennessee to open books of subscription, in the several places and counties in said States designated in said section for the capital stock of this company, at any time prior to the first Monday of July, 1854, which may be designated by the three Central Commissioners, designated for said States in the third section of this act, and shall report to them at such time and place as they may designate the amount obtained by the opening of said books of subscription, and if it shall appear that the number of three thousand shares shall have been subscribed, they may forthwith declare the company formed as before stipulated, and may give notice for an election of nine directors, to be held at the town of Jonesborough, Tennessee, at such time as they may designate, and after organizing, as herein before directed, they may proceed to employ such number of competent engineers and force as may be necessary to survey so much of said line of the Atlantic, Tennessee and Ohio Railroad that lies between Charlotte, North Carolina, and the East Tennessee and Virginia Railroad, and when carefully surveyed, may proceed to locate the same on the most Open books in North Carolina & Tennessee.

practicable line between those points, and when the subscriptions may justify they may put under contract the graduation of the whole or any part of said line. *Provided*, They do not exceed the amount of the subscriptions in the contracts they may make.

Road may pay in  
bonds or stock.

SEC. 41. The said board of directors may have the power in contracting for the construction of said road, or any part thereof, to pay any portion of the same in the stock of the company, or in bonds redeemable in stock, or in money, provided the same shall not draw a greater amount of interest than six per centum per annum, and provided the same be not used at a discount below their par value. And the said board of directors shall be authorized to receive subscriptions to the stock of this company, payable in labor, materials or provisions, should they deem it advisable, at such prices as may be agreed upon between the individuals making the subscriptions and the board. *Provided*, The same be tendered or paid at such time and place, on the line of said railroad, as the board may stipulate. If no price be agreed upon, the subscriber shall not be entitled to a credit for more than the cash market price for the labor done, or the articles furnished, or the prices paid by the board to contractors or other persons furnishing similar articles.

Trustees,

SEC. 42. If by decree or otherwise the said corporation shall be dissolved, the president and directors of the company are created trustees, with such powers, only, as may be necessary to collect the debts due the company, preserve the property, pay the debts, and distribute the property and effects to those who may be entitled thereto, under the charter. *Provided*, The governor of this State shall not in any case endorse the bonds of said company.

North Carolina  
and Tennessee  
Railroad.

SEC. 43. *Be it enacted*, That a body politic and corporate, by the name of the North Carolina and East Tennessee Railroad Company is hereby constituted, for the purpose of constructing a railroad from the North Carolina State line, down the Little Tennessee river, so as to intersect the East Tennessee and Georgia Railroad, between General Reagan's land, in McMinn county, and London, on the Tennessee river, which company, when formed, shall have all the powers and privileges, and be subject to all the restrictions and liabilities prescribed in the original charter of the Nashville and Chattanooga Railroad Company. *Provided*, That railroads may be constructed parallel with the road of the company hereby constituted at the pleasure of the General Assembly of this State. *And provided*, That the gov-

ernor shall not issue any bonds of the State to said company, nor shall he endorse, in the name of the State, the bonds of said company.

SEC. 44. *Be it enacted*, That John R. Hardin, Samuel Ghormley, Benjamin Johnston, Walter Howard, G. W. Morgan, B. McGhee, Charles McGhee, James A. Coffin, W. M. Stakeley, and J. B. Tipton, shall be commissioners for said company, with the powers and restrictions prescribed in the charter of said Nashville and Chattanooga Railroad Company with reference to the commissioners appointed in the said last named charter. Commissioners.

JORDAN STOKES,  
*Speaker of the House of Representatives.*  
M. R. HILL,  
*Speaker of the Senate.*

Passed, February 26, 1852.

## CHAPTER CCXXXIX.

AN ACT to incorporate the Mechanics Fire Engine and Hose Company No. 4, and Library Association, of the City of Memphis, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Mechanics Fire Engine and Hose Company No. 4, and Library Association, of the City of Memphis, be, and it is hereby incorporated by the name aforesaid, with power to continue its organization, establish a library, to acquire and hold a house and lot for the convenient transaction of its business; to sell and convey the same, and to re-invest the money as they may desire, and with power to have and use in their business a common seal; make by-laws, &c. Incorporation.

SEC. 2. *Be it enacted*, That said company shall consist of not more than one hundred members, and that the members of the said company shall not be compelled to serve on juries, or perform military duty in time of peace. Exemptions.

SEC. 3. *Be it enacted*, That Samuel P. Walker, William H. Carroll, Samuel Tate, A. H. Davidson and J. N. Barnett, be, and they are hereby constituted a body politic and corporate, by the name of Memphis Coal Company, with power, by that name, to sue and be sued, plead and be impleaded, to have a common seal, alterable at pleasure, and generally to do and perform all other acts and things which bodies corporate may lawfully do, for the purpose hereinafter named. Memphis Coal Company.

**Capital Stock.**

SEC. 4. *Be it enacted*, That the capital stock of said company shall be fifty thousand dollars, to be subscribed in shares of ten dollars each, and that the corporators above named shall open books for the subscription of said stock, at such time and place, in the city of Memphis, as they shall designate, and within ninety days after the passage of this act.

**Election of Directors**

SEC. 5. *Be it enacted*, That so soon as the said sum of fifty thousand dollars shall have been subscribed, the said company shall meet, upon ten days notice of the time and place, to be given by the above named commissioners, in some public news paper published in the city of Memphis, and on the first Monday in November, of each and every year thereafter, and elect five directors, who shall hold their office for the term of one year, or until the next general election, and until their successors shall be elected. The said directors shall elect a president from their own body, and in his absence, or upon his resignation, incapacity, death or removal, may elect another in his place, and may supply all vacancies in their own body, and may appoint a secretary, treasurer, and such other officers and agents as they may deem necessary, under such restrictions, by-laws and provisions as they may adopt; and shall keep a record of their proceedings, and a majority of the directors shall be a quorum to do business.

**General Powers.**

SEC. 6. *Be it enacted*, That the said Memphis Coal Company shall have power to purchase and hold personal and real property necessary to the business of said company, and may sell and exchange, and mortgage the same; may contract loans, and do every thing which may be necessary or expedient to carry out the objects of this act of incorporation.

**By-Laws.**

SEC. 7. *Be it enacted*, That the said directors shall have power to make by-laws for the government of said company, and shall have the general management and control of the business, and make all necessary contracts, which shall be done by order of the board of directors, and signed by the president or other officer or officers, according to the regulations and provisions of the by-laws and regulations which may be adopted by said company.

**Mode of voting.**

SEC. 8. *Be it enacted*, That in every voting of the said stockholders, each stockholder, in person or by proxy, shall have one vote for every ten shares held by him, and that it shall be the duty of the president and directors to issue certificates of stock to the stockholders for the stock held by them respectively, transferable an-

der such rules, regulations and restrictions as may be established by the by-laws of the company.

SEC. 9. *Be it enacted*, That the said company shall be, Price of Coal. and is hereby authorized to deal and trade in coal, for fuel, to buy and sell, receive on storage or commission said article, and dispose of the same. *Provided*, That said company shall at no time sell such coal at a higher price than fifty cents per barrel, containing two bushels and a half, and shall keep on hand, at all times, not less than five thousand barrels of the same.

SEC. 10. *Be it enacted*, That this act shall not be so construed as to give said company any exclusive privilege, but shall cease and become void by violation, by said company or their agents, of the restrictions contained in the seventh section of this act, or by their failure or refusal to pay any debt, or comply with any contract for the payment of money or delivery of coal, within thirty days after the same shall become due, and payment thereof shall have been demanded.

SEC. 11. *Be it enacted*, That all certificates of stock, Certificates to be signed by President and Sec'y. and all orders or certificates for delivering of coal, and promises to pay money, must first be authorized by the board of directors, and signed by the president, and countersigned by the secretary or such other officer as by the by-laws shall be designated for that purpose, and that no certificate issued, or order or promise made or given, shall be binding and obligatory upon said company, unless the same be issued and signed, and countersigned as herein provided for.

SEC. 12. *Be it enacted*, That the legislature may alter, amend or modify this act as the interest of the people of Memphis may at any time require.

SEC. 13. *Be it enacted*, That a body politic and corporate is hereby constituted by the name and style of the Nashville Fire Police, Nashville Fire Police. for the purpose of keeping up a fire police to preserve order and to guard property on occasions of fire, with power to continue its organization, to sue and be sued, plead and be impleaded, to purchase a library and a house and lot for the convenient transaction of its business, and to sell and convey the same and re-invest the money as they may desire, and to have and use a common seal, and such other powers as are incident to corporations of like character.

SEC. 14. *Be it enacted*, That said association shall consist of not more than two hundred members, and that the members of said association shall be exempt from Exemptions. serving on juries, and from all military duty in time of peace.

Incorporated  
towns may levy  
tax to compromise  
suits for it.  
Sec.

**SEC. 15.** *Be it enacted,* That where a suit or suits have been or may be brought against the inhabitants, citizens or residents of any incorporated city or town in this State, for the tract of land or any portion thereof, wherever said town is situated, by any person or persons claiming an adverse title thereto, and it shall be deemed advisable by the mayor and aldermen of such city or town to compromise said suits, and obtain a clear title to the land, it shall be lawful for the mayor and aldermen, or other constituted authorities, to levy and collect a tax upon the lands and other taxable property within said corporation, for the purpose of levying pro rata, the sum or sums of money that may be necessary for the purpose of compromising said suit or suits, and paying the expenses thereof, which taxes are to be levied and collected as other taxes in said corporation are levied and collected by law. Before levying said tax, it shall be the duty of the mayor and aldermen, or the legal authorities of said city or town, to ascertain by the votes of a majority of the legal voters thereof at such time and place, and under such rules and regulations as other elections in said town or city are conducted, whether the majority of the property holders are in favor of levying said taxes, and ninety days notice shall be given of the time and place of holding said election, in some newspaper published within the corporation, and if a majority of the property holders, voting at said meeting, shall be in favor of compromising said suits, then it shall be the duty of said mayor and aldermen, or other constituted authorities, to levy and collect said tax within such period of time as may be deemed expedient and proper, but if a majority of those voting are opposed to the tax, then the same shall not be levied or collected. Instead of levying a tax for the whole amount, the corporation shall have the power to execute bonds for the amount of money required to be raised, payable at such times as the mayor and aldermen may deem advisable, not exceeding ten years from their date, and the taxes may be levied and collected from year to year for the purpose of paying said bonds.

**SEC. 16.** *Be it enacted,* That this act shall take effect from and after its passage.

JORDAN STOKES,

*Speaker of the House of Representatives.*

M. R. HILL,

*Speaker of the Senate.*

Passed, February 16, 1852.

## CHAPTER CXXL.

AN ACT to charter the Williamsport Bridge Company.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That a body politic and corporate <sup>Incorporation.</sup> is hereby constituted by the name and style of the Williamsport Bridge Company, for the purpose of constructing a suspension bridge across Duck river, in the county of Maury, at or near Williamsport, in said county, and by that name may sue and be sued, plead and be impleaded, and do all other acts and things which may be necessary to construct said bridge, and to manage and keep up the same, and said company shall have succession for ninety-nine years.

SEC. 2. *Be it enacted*, That the capital stock of said <sup>Capital Stock.</sup> company shall be seventy thousand dollars, to be divided into shares of twenty-five dollars each, and so soon as twelve thousand dollars of the capital stock are subscribed for, the stockholders may organize, by the election from among themselves of seven directors, who shall select from their number a president of the company, and said president and directors may appoint such other officers and agents as may be deemed necessary, and in such manner as they may deem best.

SEC. 3. *Be it enacted*, That A. W. Walker, D. M. Harris, A. P. Nicks, B. W. S. Nicks, P. Gordon, W. J. Williams and Peyton Sowell, be, and they are hereby constituted a board of commissioners, <sup>Commissioners.</sup> a majority of whom may act, to manage all the affairs of said company until organized as aforesaid; to procure the subscription for said capital stock, and to do such other acts as may be necessary to be done prior to the election of said president and directors, and at all meetings of the stockholders, where a vote is to be taken, each stockholder shall have a vote for each share of stock subscribed for and owned by him, and may vote by proxy or in person under the rules of the company.

SEC. 4. *Be it enacted*, That said company, when organized as aforesaid, may proceed to construct said <sup>May construct roads.</sup> bridge, and also to construct such roads as may be necessary for the convenient approach to and departure from said bridge, on either side of said river. *Provided*, That said bridge shall not be so constructed as to obstruct the navigation of said river.

SEC. 5. *Be it enacted*, That said company may make <sup>By-Laws.</sup> its own by-laws, not inconsistent with the constitution and laws of this State, or of the United States.

SEC. 6. *Be it enacted*, That the stock of said compa-

Provisions as  
to stock,

ny shall be deemed personal property, and transferable on the books of the company in such manner as may be directed by the by-laws, and if any person subscribing for stock, fail to pay the same, in such calls as the president and directors may order, the company may sue for and recover the same of such delinquent stockholder, in any court having jurisdiction over the matter, or the company may declare the stock forfeited, and sell it, and if it fail to sell for enough to pay the balance due thereon, the company may sue and recover the deficiency as aforesaid. And it shall not be lawful for any stockholder to transfer his stock until it is all paid in, unless by the consent of the president and directors.

SEC. 7. *Be it enacted*, That the officers of said company shall hold their offices for one year, and until their successors are appointed, unless otherwise directed by the by-laws.

Time to begin  
and complete.

SEC. 8. *Be it enacted*, That said company shall begin the construction of said bridge within two years after the passage of this act, and complete it within four years after it may have been begun, or this act is to be of no effect.

Tolls.

SEC. 9. *Be it enacted*, That when said bridge shall have been completed and ready for travel and transportation along or across the same, the said company may erect a gate or gates across said bridge, and charge and receive tolls for crossing the same, in the manner and for the sums following, to wit: man and horse, five cents, and for each additional horse, two and a half cents; for each head of cattle, in drove, two and a half cents; for each head of sheep or hogs, in drove, one cent; for a wagon and two horses, mules or oxen, twenty cents; for a wagon and three horses, thirty cents; for a wagon and four horses, forty cents; a wagon and five horses, forty-five cents; for a wagon and six horses, fifty cents, and for each additional horse two cents; for cart and one horse, ten cents; for a cart and two horses, fifteen cents; for a cart and three horses, twenty cents, for a cart and four horses, twenty-five cents; for a cart and five horses, twenty-five cents; for a cart and six horses, thirty cents; for a four wheel two horse pleasure carriage, twenty-five cents, and for a four wheel three horse pleasure carriage, thirty cents, and for a four wheel four horse pleasure carriage, seventy-five cents; for a four wheel two horse buggy, twenty cents; for a four wheel one horse buggy, ten cents, and for a two wheel one horse buggy or sulky, ten cents; for a four

wheel one horse pleasure carriage, twenty cents, and footmen free of charge.

SEC. 10. *Be it enacted*, That the county court of Maury county, shall have power to convert her appropriation of five thousand dollars, heretofore made for aiding in the construction of a bridge across Duck river, at or near Williamsport, into stock in said suspension bridge, to be divided into such number of shares as the said sum will make, as hereinbefore specified, and the said county court shall be a stockholder to that extent in the company hereby incorporated, and subject to all the liabilities and restrictions, and entitled to all the rights and privileges as other stockholders.

SEC. 11. *Be it enacted*, That this act shall take effect from and after its passage.

JORDAN STOKES,

*Speaker of the House of Representatives.*

M. R. HILL,

*Speaker of the Senate.*

Passed, February 16, 1852.

## CHAPTER CCXLI.

AN ACT to authorize Daniel D. Foute, of Cade's Cove,<sup>5</sup> Blount County, to open a Turnpike Road.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Daniel D. Foute be, and he is hereby authorized to open a turnpike road from some convenient point on Six Mile creek or Crooked creek, in said county, as he may find most practicable through Cade's Cove, to the North Carolina line, at or near E. Kannett's gap, in the Smokey Mountain, of the following description, to wit: Said Foute may first open said road four feet wide for the travel of horsemen or stock, and as soon as the travel and business of the road requires, or will justify the same, he shall open said road equal to the second class roads of the county; and said road he shall keep in the same repair as county roads are kept, and be subject to the same penalties, rules and regulations that overseers are under on like county roads.

SEC. 2. *Be it enacted*, That if the county court of Blount county, shall fail or refuse to meet said Foute's road at such point as he may select for the beginning of said turnpike road, on Crooked creek or Six Mile creek,

with a road of equal size of said turnpike, that said Foute's privilege, under this charter, shall commence at the town of Maryville, in said Blount county, and he shall be authorized to open said road accordingly from said town.

**Penalty for  
avoiding toll.**

SEC. 3. *Be it enacted*, That if any person shall obstruct said road, he or they shall be subjected to indictment or presentment, and fine and imprisonment as in case of other public roads; and if any person or persons shall pass or avoid the gate set up for the purpose of receiving toll, or within one mile thereof, either forcibly or for the purpose of avoiding the payment of toll, such person shall be subject to the payment of twenty dollars to the proprietor of the road, to be recovered by action of debt, before any justice of the peace of Blount county.

**Rates of toll.**

SEC. 4. *Be it enacted*, That said Daniel D. Foute, his heirs, &c., shall be allowed to take and receive the following tolls: for each mile of said road for each rider and horse, one cent; for each other horse or mule, three mills per mile; for each wagon and team of four horses and over, five cents per mile; for each wagon and team of two horses and not over four horses, four cents per mile; for each carryall or wagon of one horse, three cents per mile; each buggy and horse, or two wheeled pleasure carriage, four cents per mile; for each four wheeled pleasure carriage, five cents per mile; and said Foute may put up such gates, and at such places, as he may find necessary, and convenient. *Provided*, That the toll shall not be increased beyond the above rates.

**Exemptions.**

SEC. 5. *Be it enacted*, That said proprietor may be allowed to put up gates and collect toll on said road, at the completion of any section of five miles of said road, and so on till said road is completed. *Provided*, said road does not run on any established road, unless by the consent of the citizens on or near said road. *And provided further*, That toll shall not be exacted off persons going to or from church, muster, mill, blacksmith-shop or Maryville.

JORDAN STOKES,

*Speaker of the House of Representatives.*

M. R. HILL,

*Speaker of the Senate.*

Passed, January 25, 1852.

## CHAPTER CXXLII.

AN ACT to amend the charter of the Eagleville, Unionville and Shelbyville turnpike company, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the charter of the Eagleville, Unionville and Shelbyville turnpike company, be so amended, as to authorize the directors of the Nolensville turnpike company, (a majority of the directors voting for it) to subscribe for five thousand dollars of stock, or any sum not exceeding said amount, in said Eagleville, Unionville and Shelbyville road, and that the nett dividends of the Nolensville turnpike company be appropriated to pay the subscription, and that said charter be further amended so as to authorize said company to construct their road eighteen feet wide, and cover it with beaten stone or gravel six inches deep, to cover the same nine feet wide in the middle with an additional depth of six inches of beaten stone or gravel.

SEC. 2. *Be it enacted*, That the Attorney General of the State, be and he is hereby directed to dismiss the suit against the Murfreesboro' and Manchester turnpike company, *Provided*, Said stockholders will relinquish to the State, all the interest which they have by virtue of the charter of said road.

SEC. 3. *Be it enacted*, That so soon as the above relinquishments are made, Lewis Garner, James Magill and F. Henderson, shall be constituted commissioners on the part of the State, to erect a toll gate on said road at such point within five miles of Murfreesboro', as they may select, procure a gate keeper and receive such tolls as are provided in the original charter for the road, and after paying the gate keeper for his services, the balance of the tolls may be used by the commissioners for the purpose of repairing an additional section of five miles, and upon which they may erect another gate house, and so on until the whole road is repaired and put in order to receive tolls upon any five miles as originally contemplated by the charter.

SEC. 4. *Be it enacted*, That before the commissioners above named shall proceed to the discharge of the duties prescribed in this act, they shall take an oath before some justice of the peace faithfully to discharge said duties, and to render an account to the General Assembly every two years, showing the manner in which they have discharged their obligations, the amount of tolls received, the amount expended and for what, and the amount on hand, which amount, after

repairing the road as specified, shall be paid into the treasury of the State, and the treasurer shall give them a receipt for the same.

Contractors when  
released from  
damages.

Sec. 5. *Be it enacted*, That should all the stockholders fail or refuse to relinquish their stock and interest in the said road to the State, as contemplated in this act, then those stockholders who may relinquish, and who have been contractors on the road, shall be released from all the damages which the State may recover against the company, so far as their proportional part of said damages may be estimated. *Provided*, That they shall have finished their contracts according to the charter; *And provided further*, That the commissioners shall only receive such compensation for their services as may be allowed them by the board of internal improvement.

Daniel Smith's  
road.

Sec. 6. *Be it enacted*, That Daniel Smith have the further time of two years to complete his turnpike road chartered January 31st, 1848.

Sec. 7. *Be it further enacted*, That nothing in this act, shall be so construed as to relieve any contractor or contractors from completing of his or their contract or contracts agreeably to the provisions of the charter.

Sec. 8. *Be it further enacted*, That the Attorney General shall not relieve any contractor or contractors from the faithful performance of his contract under the provisions of this act, only those that have completed said contract agreeably to the provisions of said charter.

East Tennessee  
and Kentucky  
Central railroad  
company.

Sec. 9. *Be it enacted*, That the formation of a company is hereby authorized for the construction of a rail road from some suitable point on the East Tennessee and Georgia rail road in Roane county, running in a north-west direction to Kingston, thence to the most practicable point in Kentucky, over such route as the company may designate, which company shall consist of the stockholders, and when formed shall be a body corporate by the name and style of the East Tennessee and Kentucky Central rail road company, and by such name, shall have and enjoy, possess and exercise all the rights, privileges and franchises, so far as the same are applicable, which the Nashville and Chattanooga rail road company have by the terms of an act passed 11th December, 1845, entitled an act to incorporate the Nashville and Chattanooga rail road company, and be subject to the limitations and restrictions therein imposed. *Provided*, That each share shall entitle the owner thereof to one vote.

Sec. 10. *Be it enacted*, That the capital stock of said company, shall be one hundred thousand dollars, to be

divided into shares of twenty-five dollars each, and that George W. Gains, Wm. G. McEwen, George L. Gillespie, G. W. Yoast, Henry Liget, sr., John Y. Smith and James Tedder, of Roane county; and Richard Oliver, Moses Winters, Joseph Estabrook, John Kingston and Howard Wiley, of Anderson county; and William Schooler, William Staples, George F. Gerding, John White, John Bryant and — Keith, of Morgan county; are hereby appointed a board of commissioners, who may at such times and places and upon such terms as they may think proper, sell or dispose of, open books for the subscription of said stock, and who shall as to this road in all respects, have the power and perform the duties prescribed for the board of commissioners of the Nashville and Chattanooga railroad company, by the 4th section of the act aforesaid in relation to that road; when the number of two hundred shares shall be subscribed, the company shall be considered as formed, as having a corporate existence as aforesaid, and the board of commissioners may proceed to survey the route of the road and make an estimate of the cost of its construction, and when one hundred shares shall have been subscribed, the board of commissioners shall appoint a time for the stockholders to meet at Kingston, for the purpose of electing a president, five directors to manage the affairs of the company, the president shall be elected as the other directors are by direct vote of the stockholders.

JORDAN STOKES,

*Speaker of the House of Representatives.*

M. R. HILL,

*Speaker of the Senate:*

Passed, February 20, 1852.

## CHAPTER CCXLIII.

AN ACT to incorporate the Sequatchie Plank Road Company.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee, That the subscribers for stock as hereinafter provided, and their successors in office, are hereby constituted a body politic and corporate, by the name and style of the "Sequatchie Plank Road Company," and by that name may sue and be sued,*

Capital Stock.

Commissioners.

Incorporation.

Google

plead and be impleaded, shall have a common seal and succession for ninety-nine years.

**Commissioners.** SEC. 2. *Be it enacted*, That the county court of Marion and Bledsoe counties, shall each appoint ten commissioners to open books to receive subscriptions for stock in said company, at such times and places as they may deem most suitable; said books to be open within ten months from the passage of this act, and said commissioners are authorized to receive such subscriptions in money, materials or labor, to be valued at cash valuation by disinterested persons appointed by the parties concerned, and such valuation shall be deemed as so much stock in said company. If the whole extent of said road shall not be taken in labor and materials, the residue may be let out for construction to the lowest bidder, at public or private lettings by directors elected by the stockholders or other authorized agent or agents.

**Capital stock.** SEC. 3. *Be it enacted*, That the capital stock of said company shall be fifty thousand dollars, with the privilege of increasing the same to an amount sufficient to complete said road, and that said capital stock be divided into shares of ten dollars each, to be applied in the construction and keeping in repair said Plank road, beginning at some suitable point on the Tennessee river in Marion county, to be agreed upon by the directors of said Plank road company, and to extend up Sequatchie Valley and to terminate at or near Tollett's mills, in Bledsoe county; said road to be laid off by the directors elected by the stockholders as aforesaid.

**Election of directors.** SEC. 4. *Be it enacted*, That when twenty thousand dollars shall be subscribed, a meeting of the stockholders may be held at such time and place as said commissioners may appoint, of which due notice shall be given to the subscribers, and when convened may proceed to elect seven directors, who shall be stockholders, and five of whom shall constitute a quorum to do business, to pass by-laws and organize the company and commence the construction of said road, and so soon as five miles of said road shall be completed, the said president and directors shall have the power to erect one toll gate, and for every five additional miles completed by said company, they may erect one additional gate, at each of which they are authorized to charge and receive the same rates of toll allowed by the Memphis and Sommerville Plank road company.

**Gates.**

**Election of stockholders.** SEC. 5. *Be it enacted*, That at the first meeting each stockholder shall be entitled to one vote for every share of stock subscribed by him. The directors so elected,

shall elect one of their number president, one secretary, and one treasurer, and it shall be the duty of the president and directors to have said road constructed, and shall have the entire management of the same; they shall hold their offices for one year and until their successors shall be elected, and said election shall be held on the first Saturday in January, in each and every year, and it shall be the duty of the president and directors to give at least twenty days notice of the time and place of holding said election, and the stockholders may vote by proxy when it does not suit their convenience to attend said election in person.

SEC. 6. *Be it enacted*, That for the purpose of making said road and keeping it in repair, the directors or <sup>Damages</sup> their agents may cut and dig and take from the lands of any person within one mile of said road, such and so much timber and earth as may be necessary to make and repair the necessary bridges, culverts and embankments on said road, and if any person or persons, over whose lands said road may pass, or from whose land such materials may be taken, shall desire compensation therefor, and in the event they cannot settle and agree with the said directors as to the damages done their lands or the value of such materials so taken, he, she or they may apply to any county or circuit court in the county where the land lies, and said court, upon such application, shall appoint three disinterested free holders, whose duty it shall be to estimate the value of such materials or the damages so occasioned, and make out a report in writing on oath to the court, taking into view always the advantages and disadvantages of said road to said land; and it shall be the duty of said court on confirming the report, to give judgment in favor of such applicant against the said company for the amount of damages assessed in said report, and shall allow reasonable compensation to said free holders for their services.

SEC. 7. *Be it enacted*, That said road shall be graded at least twenty feet wide, with sufficient ditches on <sup>Style of road.</sup> either side to carry off the water and drain the same, with an elevation of not more than three degrees at any point on said road; and one side of the road to be covered with plank three inches thick and ten feet long.

SEC. 8. *Be it enacted*, That should said road not be kept in good repair for twenty days in succession, it may be lawful for any person to apply to a justice of the peace in the vicinity of the road and inform him of the condition of the road, and it shall be the duty of said justice of the peace, to appoint three disinterested <sup>Penalty for road out of repair.</sup>

free holders to examine said road and to report upon oath, and if they so report, or any two of them, that the road is not in good repair, as required by this act, the said justice of the peace shall direct a constable to open the nearest gate and stop the collection of tolls until the same shall be duly and fully repaired, and the president and directors shall pay the costs of this proceeding, but if it shall appear that the road is in good repair, the case shall be dismissed at the cost of the informant.

**Penalty for refusing to pay toll.** SEC. 9. *Be it enacted*, That if any person shall refuse or neglect to pay the toll hereby granted, but shall pass a toll gate without paying the same, the toll gatherer may lawfully refuse to such person a passage, and said toll gatherer may by warrant from any justice of the peace, recover from such person so refusing, the sum of five dollars, for each such offence for the use of the company, and if any person shall travel on said road and come near to a toll gate, and then turn off the same and go around the gate and return to said road beyond such gate for the purpose of avoiding the payment of toll, he shall be subject to the same liabilities as set forth in this section concerning persons passing such gate and refusing to pay toll.

**Transfer of stock.** SEC. 10. *Be it enacted*, That the stockholders shall have the right to transfer their stock by sale, gift or otherwise, as they may desire, and the assignee or assignees of said stock so transferred, shall be entitled to all the rights, privileges and immunities, and subject to all the responsibilities and liabilities of the original members of the company.

**May hold lands.** SEC. 11. *Be it enacted*, That said company shall have power and authority to buy any lands they may deem necessary at the various gates, for the purpose of building houses thereon for the toll gatherers to reside in, and buy such other lands for timber and other purposes as the interests of the company may require, and to sell and convey the same to purchasers.

JORDAN STOKES,

*Speaker of the House of Representatives.*

M. R. HILL,

*Speaker of the Senate.*

Passed, February 25, 1852.

## CHAPTER CCXLIV.

AN ACT to charter the Lexington and Knoxville Railroad Company, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That for the purpose of establishing a communication by railroad, between the cities of Lexington, Kentucky, and Knoxville, Tennessee, the formation of a company to be called the Lexington and Knoxville Railroad Company, is hereby authorized, which when formed, shall have corporate existence in each of the States aforesaid. Incorporation.

SEC. 2. *Be it enacted*, That said company shall have the power to run said road from any other town or point in Kentucky, which may be nearer to Knoxville than Lexington *Provided*, Said town or point has immediate railroad connection with Lexington.

SEC. 3. *Be it enacted*, That Wm. Houston, Henry Graham, Wm. Kincaid, Hugh Jones, Isaac Thomas and Daniel Huff, of the county of Claiborne; Richard Wheeler, Robert Morrow, Wm. Carey and John Kincaid, of the county of Campbell; John Jarnagin; Milton Tate, John Whitson and Wm. Cross, of the county of Anderson, and Samuel B. Boyd, Perez Dickinson, James Welcker, Charles Coffin and David A. Deaderick, of the county of Knox; and Allen Hurst and John Bullard of the county of Grainger, together with such other persons as may be appointed by law in the State of Kentucky, be and they are hereby appointed commissioners to open books for subscriptions of stock in said railroad company, at such times and places as they may designate and appoint, and may appoint and employ agents for this purpose, and any two of said commissioners in each county, shall be fully competent to act in the premises, and on each share subscribed, shall demand and receive one dollar, without which the subscription shall be void. Commissioners.

SEC. 4. *Be it enacted*, That said commissioners may keep said books open until the first of November next, and at that time, they shall make a report of the amount of stock subscribed in said company to a central commission, to be composed of Charles Coffin and David A. Deaderick of Tennessee, and such other persons appointed by law in Kentucky, who shall meet at such point and time as they or a majority of them may agree upon, and if at the time of meeting aforesaid, fifteen thousand shares of stock shall have been subscribed, the said subscribers of the stock, shall form a Open Books.

body politic and corporate, in deed and in law, in the States aforesaid, and for the purpose aforesaid; but if said number of fifteen thousand shares shall not be subscribed, said central commission shall give notice of the fact by publication to the several commissioners, who shall have the power to re-open the books for further subscriptions at such times and places as they may think proper, until the first of January, 1857, until said number of fifteen thousand shares shall have been subscribed.

Powers and restrictions.

SEC. 5. *Be it enacted*, That all the rights, privileges, grants, powers, provisions, restrictions, rules and regulations of every kind and description whatsoever, which were conferred upon the Nashville and Louisville railroad company, by an act passed the ninth day of February, 1850, entitled "an act to incorporate the Nashville and Louisville railroad company," and every section and provision of the same be, and they are hereby extended to, and conferred upon the Lexington and Knoxville railroad company, so far as the same may be applicable to said company last mentioned, to enable it to make a railroad communication between Lexington and Knoxville, or some other point in Kentucky, nearer to Knoxville than Lexington, but immediately connected with it by railroad, except wherein said act is inconsistent with the provisions of this act.

Nashville and Southern railroad company.

SEC. 6. *Be it enacted*, That the charter passed at the present session, under the name of the Nashville and Southern rail road company, be so amended, that the Southwestern connection with any road from New Orleans, Mobile or Memphis, may be made at or near the Mississippi line, at any point at or near that line, a majority of the directors may designate whether the said point should be at or near Hamburg, Bolivar, LaGrange, or any other point at or near said line.

Additional Commissioners.

SEC. 7. *Be it enacted*, That in addition to the commissioners appointed under the said act, the following gentlemen are hereby added, to wit: W. S. Wisdom, J. H. Meeks, Maclin Cross, Fielding Hurst, E. P. McNeil, J. H. Bills, A. Miller, A. T. Robinson, J. T. Crary and W. H. Wood, be also appointed commissioners, with the same powers and duties as prescribed in the said act.

LaGrange and Bolivar railroad company.

SEC. 8. *Be it enacted*, That for the purpose of establishing a communication by rail road from the State line of Tennessee on the south, at such a point as the New Orleans and Holly Springs and Ohio rail road, may strike the same, to Bolivar, Tennessee, (via LaGrange,) the formation of a company is hereby au-

thorized; which when formed, shall be a body corporate by the name and style of the LaGrange and Bolivar rail road company, and by said corporate name, shall be capable in law to buy, receive by gift, hold, sell and convey real and personal estate, as hereinafter provided; make contracts, sue and be sued, to make by-laws, and to do all lawful acts properly incident to a corporation, and necessary and proper to the transaction of the business for which it is incorporated; and to have and use a common seal, and the same to alter and destroy at its pleasure, and shall have perpetual succession of members.

SEC. 9. Books for subscription of one hundred and fifty thousand dollars of the capital stock of said company in shares of twenty-five dollars each, to be paid for in labor or money, as hereinafter described, shall be opened on the first Monday in March, eighteen hundred and fifty-two, or within ninety days thereafter, and shall be kept open for six days, between the hours of ten o'clock in the morning and four o'clock in the evening of each of those days, at the following places and by the following commissioners, or any two of them at each place, to wit:

At Bolivar, by E. P. McNeal, John H. Bills, E. C. Crisp, George Wood and L. A. Pucket.

At LaGrange, by G. Cossitt, Charles R. Abbot, Edwin Winston, Thos. G. Anderson, Jas. N. Cooke, and John M. Jones.

At Jackson, James Caruthers, Gen. Saml. Hays, A. W. O. Totten, Jacob Hill and Milton Brown.

At Sommerville, Josiah Higgason, J. C. Waddell, Hugh D. Neilson, Ed. Dickinson, E. S. Tappan, Whitfield Boyd.

At Memphis,

At Moscow,

SEC. 10. The said commissioners or a majority of them at each of the places aforesaid, shall receive subscriptions for stock in the said rail road company during the time the said books are directed to be kept open, and on each share so subscribed, shall demand and receive the sum of fifty cents.

SEC. 11. As soon as the time for receiving subscriptions as aforesaid shall have expired, the said commissioners shall respectively deposit all the money so received by them in some incorporated bank redeeming its notes in specie to the credit of the LaGrange and Bolivar rail road company, and subject to the order of the president of the board of commissioners hereinafter appointed; and shall also forward a correct list of all

Commissioners.

the subscribers to said stock, with the number of shares each subscriber has taken, to a board of commissioners to be composed of the following persons, John H. Bills, E. P. McNeal, Jas. Caruthers, Genl. Saml. Hays, Charles Hurt, John M. Hurt, Jas. N. Cocke, E. Winston, G. G. Cossitt, Josiah Higginson and E. S. Tappan, who may establish rules to govern their proceedings, choose their own president, and appoint such other officers and agents as they may think proper, and prescribe their duties; and who or a majority of whom, shall meet at LaGrange within thirty days after the books are closed, as directed in the ninth section of this act, and ascertain the whole number of shares taken in said company, and publish the same in some newspaper printed in Bolivar, Sommerville and Jackson, and if the sum of twenty-five thousand dollars have been subscribed, on each share of which there shall have been paid the sum of fifty cents, the LaGrange and Bolivar rail road company, shall be regarded as formed, and thenceforth the said subscribers to the stock, shall form a body politic and corporate in deed and in law, by the name and for the purposes aforesaid, and in all things to be represented by the board of commissioners aforesaid, until the election of a board of directors, as hereinafter prescribed.

When company  
formed.

SEC. 12. If on closing the books aforesaid, the sum of twenty-five thousand dollars shall not have been subscribed, then and in that case, the said board of commissioners, by themselves or agents, may receive subscriptions until the said sum be taken. And whenever that sum shall be subscribed, the company shall be considered as formed, as having a corporate existence as aforesaid, and of which notice shall be given as hereinbefore directed; and may proceed to survey the route for the road and make an estimate of the cost of its construction, and the said board of commissioners may, by themselves or their agents, at such times and places as they may think proper, and upon such terms as to time and manner of payment as they may deem expedient; receive additional subscriptions to be paid in money or labor, until the said sum shall have been subscribed, upon which the company may be formed, and the subscribers shall thenceforth form a body corporate as aforesaid. *Provided*, The same shall be done on or before the seventh day of March, 1854, and for the residue of the original sum, the said corporation when organized may in like manner receive additional subscriptions.

SEC. 13. *Be it enacted*, That at the time every sub-

scription shall be made, and the subscriber shall elect to pay in money or in labor to be done on said road, or in both, there shall be paid in money at the time of such subscription fifty cents on each share so subscribed, and the residue of such subscription, if it be paid in money, shall be paid in such instalments and at such times as may be required by the president and directors of said company, to be chosen as hereinafter provided. *Provided*, That no payment shall be demanded until at least thirty days notice shall be given of the demand by said president and directors, nor shall more than thirty-three and one third per cent. on each share be called for in any one year; and if any subscriber for stock to be paid in money, shall fail or refuse to pay any instalment or part of subscription, according to the provisions of this act, for the space of thirty days after the same shall be demanded as aforesaid, or if any subscriber for stock to be paid in labor, shall fail or refuse to perform the same within a reasonable time after notice shall have been given him by the said company, its engineers or agents, the subscriber so in default, shall be liable to an action at law for the amount of said instalment or instalments, or for the sum subscribed to be paid in labor, at the suit of the president and directors of said company, before any competent tribunal of this State, and judgment being had thereon, shall have an execution as in other cases, and such failure to pay, shall induce a forfeiture of the share or shares on which default shall be so made and all payments thereon; and the same shall vest in and belong to the company, and may be restored to the owner or owners by the board of directors, if they deem proper, on the payment of all arrears on said shares and legal interest and costs thereon.

**Sec. 14.** *Be it enacted*, That if any person shall subscribe for stock in said road, and at the time of such subscription, shall signify his intention to pay the same by labor to be performed on said road, it shall be the duty of said company to notify the said subscriber at some convenient time afterwards, at what time and place said labor will be required, and it shall be the duty of the engineer of said company to lay off the work to such subscriber at some place as convenient to the subscriber as practicable; direct in what manner it shall be done, and assess the value of labor so performed, and the engineer performing such duty shall first take and subscribe the following oath: "I, <sup>Engineer to take</sup> A. B., Engineer for the LaGrange and Bolivar rail road <sup>oath.</sup> company, do solemnly swear, (or affirm as the case

Stock paid in  
money or work.

may be,) that in laying off the work, or assessing the value of the labor performed by C. D. for said company, that I will do the same fairly and impartially. So help me God." Which oath shall be taken before some judge or justice of the peace, and by him filed in the office of the clerk of the county court of the county where the labor is to be performed.

**SEC. 15.** *Be it enacted,* That if the president and directors of said company shall think fit so to do, they may let out said work to the lowest bidder, in such parts and sections as they may deem advisable, notwithstanding the provisions of section twelve, and the subscribers for stock to be paid in labor may bid for such work and discharge their obligations to said company by the performance of the same.

**SEC. 16.** *Be it enacted,* That the president and directors of said company, if they shall consider it advisable so to do, may let out the work on said road or any portion of the same to be paid with certificates of stock of said company, and upon the completion of the work, it shall be the duty of said president and directors, to issue to the contractor certificates of stock in the same way as if he had been an original subscriber therefor.

**SEC. 17.** *Be it enacted,* That if any person shall desire to transfer, sell or dispose of his or their stock, he or they shall be at liberty to transfer the same according to such terms as the directors may establish for that purpose, and be discharged from all responsibility.

**SEC. 18.** *Be it enacted,* That if on the first day of March, 1854, the sum of twenty-five thousand dollars shall not have been subscribed, the money paid by each subscriber shall be returned to him by the said board of commissioners or directors, after defraying the expenses of opening the books and making a survey and map of the route and estimate of the cost of the road, which the said commissioners are authorized to have made as soon as practicable.

**SEC. 19.** The affairs of said company shall be managed by a board of directors, to consist of nine, five of whom shall constitute a quorum, and who shall be chosen by the stockholders, from their own body; and a president of the company shall be elected by the directors, from among their own number, in such manner as the regulations of the corporation shall prescribe.

**SEC. 20.** As soon as the said sum of twenty five thousand dollars shall have been subscribed, it shall be the duty of the commissioners appointed, to declare the same; to appoint a time for the stockholders to meet in La-

Grange, and give notice thereof by publication in some newspaper in Memphis, Sommersville and Bolivar, at which time the said stockholders, in person or by proxy, shall proceed to elect the directors of the company, and to enact all such regulations, rules and by-laws, as may be necessary for the government of the corporation, and the transaction of its business. The persons elected directors at this meeting, shall serve for such period, not exceeding one year, as the stockholders may direct, and at this meeting the stockholders shall fix on the day and place or places whereon the subsequent election of directors shall be held, and such elections shall thenceforth be annually made, but if the day of annual election should pass without any election of directors, the corporation shall not be thereby dissolved, but it shall be lawful, on any other day, to hold and make such election, in such manner as may be prescribed by a by-law of the corporation.

Sec. 21. The board of directors may fill all vacancies <sup>Vacancies</sup> which may occur in it during the period for which their board shall have been elected, and in the absence of the president may fill his place by electing a president *pro tempore*.

Sec. 22. All contracts and agreements, authenticated by the president of the board, shall be binding on the company, without seal, or such other mode of authentication may be used as the company, by their by-laws, may adopt.

Sec. 23. The board of directors shall not exceed, in their contracts, the amount of the capital of the corporation, and of the funds which the company may have borrowed and placed at the disposal of the board, and in case they should do so, the president and directors, who may be present at the meeting at which such contract or contracts so exceeding the amount aforesaid shall be made, shall be jointly and severally liable for the excess, both to the contractor or contractors and the corporation. *Provided*, That any one may discharge himself from such liability, by voting against such contract or contracts, and causing such vote to be recorded on the minutes of the board, and giving notice thereof to the next general meeting of the stockholders. <sup>Board not to expend more than capital.</sup>

Sec. 24. The said company shall have the exclusive right of transportation or conveyance of persons, goods, merchandize and produce over the said railroad, by them to be constructed. *Provided*, That the charge of transportation and conveyance shall not exceed thirty-five cents per hundred pounds on heavy articles; ten <sup>Rates of charges.</sup>

cents per cubic foot on articles of measurement, for every hundred miles, and five cents a mile for every passenger. *And provided also*, That the said company may, when they see fit, farm out their rights of transportation on said road, subject to the rates above mentioned.

**MAY INCREASE CAPITAL.**  
**SEC. 25.** The said company may at any time increase its capital to an amount sufficient to complete the said road, and stock it with every thing necessary to give it full operation and effect, either by opening books for new stock, or by selling such new stock, or by borrowing money on the credit of the company, and on the mortgage of its charter and works, and the manner in which the same shall be done in either case, shall be prescribed by the stockholders at a general meeting; and any State, or any citizen, corporation or company of this or any other State or country, may subscribe for and hold stock in said company, with all the rights, and subject to all the liabilities of any other stockholder.

**ANNUAL REPORT.**  
**SEC. 26.** The board of directors shall once in every year, at least, make a full report on the state of the company and its affairs, to a general meeting of the stockholders, when the board may deem it expedient.

**QUALIFICATIONS OF DIRECTORS.**  
**SEC. 27.** No person but a citizen of the United States, and being a bona fide stockholder, in his own right, which he shall have held at least three months previous to his election, (except at the first election,) shall be president or a director of the company, nor shall any stockholder vote in person or by proxy at any general or other election, (except the first,) who shall not have held in his own right, the share or shares on which he offers to vote, at least three months previous to such election.

**MODE OF VOTING.**  
**SEC. 28.** Stockholders may vote in person or by proxy, and in the election of directors, and in voting on all questions which come before a meeting, or which may be submitted to the decision of the stockholders in any other manner, the owner of one or more shares shall be entitled to one vote for each and every share he, she or they may own as aforesaid.

**MAY HOLD LANDS, &c.**  
**SEC. 29.** The said company may purchase, have and hold in fee, or for a term of years, any lands, tenements or hereditaments which may be necessary for said road or appertenance thereof, or for the erection of depositories, store houses, houses for the officers, servant or agents of the company, or for workshops or foundaries, to be used for the said company, or for procuring timber, stone or other materials necessary for the construc-

tion of the road or its appurtenances, or for effecting transportation thereon.

Sec. 30. The said company shall have the right, <sup>May cross roads & water courses.</sup> when necessary, to construct the said road, or any branch thereof, across or along any public road or water course. *Provided*, That the said road, and the navigation of such water course, shall not be thereby obstructed.

Sec. 31. When any lands or right of way may be re- <sup>Damages.</sup> quired by said company, for the purpose of constructing their said road, and for want of agreement as to the value thereof, or from other cause, the same cannot be purchased from the owner or owners, the same may be taken at a valuation, to be made by five commissioners or a majority of them, to be appointed by the circuit court of the county where some part of the land, or right of way is situated, and the said commissioners, before they act, shall severally take an oath before some justice of the peace, faithfully and impartially to discharge the duty assigned them. In making the said valuation, the commissioners shall take into consideration the loss or damage which may occur to the owner or owners, in consequence of the land being taken, or the right of way surrendered, and also the benefits and advantages he, she or they received from the erection or establishment of the said road or works, and shall state particularly the nature and amount of each, and the excess of loss and damage over and above the benefits and advantages, shall form the measure of valuation of the said land or right of way. The proceedings of said commissioners, accompanied with a full description of the said land or right of way, shall be returned under the hands and seals of a majority of the commissioners, to the court from which the commission issued, there to remain of record. In case either party to the proceedings, shall appeal from the valuation to the next session of the court granting the commission, and give reasonable notice to the opposite party of such appeal, the court shall order a new valuation to be made by a new jury, who shall be charged therewith, in the same term, or as soon as practicable, and their report shall be final and conclusive between the parties, unless a new trial shall be granted, and the lands or right of way so valued by the commissioners or jury shall vest in the said company in fee simple, so soon as the valuation may be paid, or when refused, may be tendered. When there may be an appeal as aforesaid, from the valuation of the commissioners, by either of the parties, the same shall not prevent the works, intended to be constructed, from

proceeding, but where the appeal is by the company requiring the surrender, they shall be at liberty to proceed in their works, only on the condition of giving to the opposite party a bond with good security, to be approved of by the clerk of the court where the valuation is returned, in a penalty equal to double the said valuation and interest, in case the same be sustained, and in case it be reversed, for the payment of the valuation thereafter to be made by the jury and confirmed by the court. *Provided*, That when the land cannot be had by gift or purchase, the operations of the work are not to be hindered or delayed during the pendency of any proceeding to assess its value as aforesaid, nor shall any injunction or supersedeas be awarded by any judge or court to delay the progress of said work.

When right to  
land proceeded.

SEC. 32. In the absence of any contract with the company in relation to the lands through which the said road may pass, signed by the owner thereof, or by his agent or any claimant or person in possession thereof, which may be confirmed by the owner, it shall be presumed that the land upon which the railroad may be constructed, together with a space of one hundred feet on each side of the center of said road, has been granted to the company by the owner thereof; and the said company shall have good right and title thereto, and shall have, hold and enjoy the same as long as the same be used only for the purposes of the road and no longer, unless the person or persons owning the said land at the time that part of the road which may be on said land was finished, or those claiming under him, her or them, shall apply for an assessment of the value of said lands as hereinbefore directed, within five years next after that part of said road was finished, and in case the said owner or owners, or those claiming under him, her or them, shall not apply for such assessment within five years next after the said part was finished, he, she or they shall be forever barred from recovering the said land, or having any assessment or compensation therefor. *Provided*, Nothing herein contained shall effect the rights of femes covert, or infants, until two years after the removal of their respective disabilities.

Penalty for in-  
trusion.

SEC. 33. If any person shall intrude upon the said railroad, or any part thereof, by any manner of use thereof, or of the rights and privileges connected therewith, without the permission, or contrary to the will of said company, he, she or they shall forthwith forfeit to the said company all the vehicles that may be so intruded on said road, and the same may be recovered by suit at law, and the person or persons so intruding,

may also be indicted for misdemeanor, and upon conviction, fined and imprisoned by any court of competent jurisdiction.

SEC. 34. If any person shall wilfully and maliciously destroy, or in any manner hurt, damage or obstruct the said road, or any bridge or any vehicle used over or in the transportation thereon, such person or persons so offending shall be liable to be indicted therefor, and on conviction, shall be imprisoned not more than six nor less than one month, and pay a fine of not less than twenty dollars; and shall be further liable to pay all the expenses of repairing the same, and it shall not be competent for any person, so offending against the provisions of this clause, to defend himself by pleading or giving in evidence, that he was the owner, agent or servant of the owner of such land where such destruction, hurt, damage, injury or obstruction was done or caused, at the time the same was caused or done.

Penalty for  
Damages.

SEC. 35. Every obstruction to the safe and free passage of vehicles on the said road shall be deemed a public nuisance, and may be abated as such by an officer, agent or servant of the said company, and the person causing such obstruction, may be indicted and punished for creating a public nuisance.

Penalty for ob-  
structing vehicles

SEC. 36. The said company shall have the right to take at the store houses they may establish or connect with their road, all goods, wares, merchandize and produce intended for transportation, prescribe the rules of priority, and charge and receive such just and reasonable compensation for storage as they by rules may establish, (which they shall cause to be published,) or as may be fixed by agreement with the owner, which may be distinct from the rates of transportation. *Provided*, That the said company shall not charge or receive storage on goods, wares and merchandize, or produce which may be delivered to them at their regular depositories for immediate transportation, and which the company may have the power of transporting immediately.

Storage.

SEC. 37. The profits of the company or so much thereof as the board of directors may deem advisable, shall, when the affairs of the company may permit, be semi-annually divided among the stockholders, in proportion to the stock each may hold.

Dividends.

SEC. 38. The said company is hereby expressly prohibited from carrying on any banking operations, but may effect insurances on lives and property transported on the road.

Not to have pow-  
er of banking.

**Sec. 39.** Whenever, in the construction of said road, it shall be necessary to cross or intersect any established road or way, it shall be the duty of the company to construct said road across such established road or way, so as not to impede the passage or transportation of persons or property along the same, or when it shall be necessary to pass through the land of any individual, it shall be their duty to provide for such individual a proper wagon way or ways across said road, from one part of his land to the other.

**Sec. 40.** The said company shall possess such additional powers as may be convenient for the due and successful execution of the powers granted in this charter, and for the successful construction and management of the work.

**Sec. 41.** This charter shall be amendable from time to time by the legislature, whenever the president and directors shall unanimously petition for amendments, specifying in the petition the nature of such amendments, and when such amendments shall be adopted by the legislature, and submitted to the directory, and be accepted and adopted unanimously by the president and directors, they shall be obligatory on the stockholders, and not otherwise.

**Sec. 42.** The president, directors, clerks, agents, officers and servants of said company, shall be exempt from military duty, except in cases of invasion and insurrection, and shall also be exempt from serving on juries and working on public roads.

**Sec. 43.** The company shall have full power and authority to purchase and own such number of slaves as may be necessary for the construction of said road, and for keeping the same in repair.

**Sec. 44.** If by decree or otherwise, the said corporation shall be dissolved, the president and directors of said company are created trustees, with such powers only as may be necessary to collect the debts due the company, preserve the property, pay the debts, and distribute the property and effects of the company to those who may be entitled thereto, under this charter.

**Sec. 45.** The capital stock of said company shall be forever exempt from taxation, and the road with all its fixtures and appurtenances, including workshops, ware-houses and vehicles of transportation, shall be exempt from taxation for the period of twenty years from the completion of the road, and no longer.

**Sec. 46.** The railroad, authorized by this act, shall be commenced within three years after the passage of

this act, and shall be finished within six years thereafter, otherwise the charter, hereby granted, shall be void.

Sec. 47. That, if, when the LaGrange and Bolivar Railroad Company is ready to commence the said road, and the New Orleans, Holly Springs and Ohio Railroad shall be completed, or in progress of completion, by the grading of the same, from or near the town of Holly Springs, to the State line of Tennessee, or should the route of same, between Holly Springs and the State line of Tennessee, be permanently fixed and located, with a prospect of a vigorous prosecution to an early completion, and it should so appear to the satisfaction of the board of directors of the Bolivar and LaGrange Railroad, in either of which cases the LaGrange and Bolivar Railroad Company shall commence their road at a point on the State line of Tennessee, where the railroad from Holly Springs shall strike it; but in the absence of either of the foregoing conditions, the said LaGrange and Bolivar Railroad shall commence at or near LaGrange, at such a point as to admit of its intersection (which it shall do) with the Memphis and Charleston Railroad, and to continue thence in a direction, so as to strike at or near the town of Bolivar, in Hardeman county, and so soon as the railroad from Holly Springs to the State line of Tennessee shall be so far advanced, as that the same be in progress of grading, in part, and under contract for its entire grade, from Holly Springs to the State line, then the said directors, of the LaGrange and Bolivar Railroad Company, shall extend their road to a point on the State line of Tennessee, so as to intersect the said New Orleans, Holly Springs and Ohio Railroad, or railroad (by whatsoever name it may be called) from Holly Springs to the State line, and shall proceed to construct and build said road from the Tennessee line to intersect the Memphis and Charleston Railroad, so that its completion, from the State line to said intersection, shall be effected and completed by the time of the completion of the Holly Springs road.

New Orleans,  
Holly Springs &  
Ohio Railroad.

Sec. 48. The said New Orleans, Holly Springs and Ohio Railroad, or railroad from Holly Springs (by whatsoever name it may be called) shall receive and enjoy all the rights, privileges and advantages, and upon the same terms and conditions as section forty, of the charter incorporating the Memphis and Charleston Railroad Company, passed by the General Assembly of the State of Tennessee, on the 2d day of February, 1846, confers and secures to branch roads meeting with the said Memphis and Charleston Railroad.

Powers, &c

Sec. 49. *Be it enacted*, That the commissioners named

Bolivar & Jackson Railroad,

in the foregoing section eleven, be, and they are hereby appointed commissioners, under the direction of any two thereof, at each place, or by the concurrence of any number of the whole, not less than eight, at any other place or places subscriptions may be received to the capital stock of the Bolivar and Jackson Railroad, hereby incorporated, payable in money or labor, or both, upon the same terms, conditions and rules as govern the commissioners in the foregoing section eleven, excepting so far as, that a majority may decide upon the opening of books for subscription, at such time as they may agree upon, provided it be done within six months from the first day of March, 1852. And should any of said commissioners die or refuse to act, the remaining commissioners, or any five of them, may appoint others in their stead.

Commissioners.

SEC. 50. That James Caruthers, Samuel Hays, John W. Campbell, John H. Bills, E. P. McNeal, Austin Miller, Ed. Winston and E. A. Tappan, be appointed a board of commissioners, who shall be governed by the same rules, orders and regulations, and with the same powers and duties governing the commissioners as set forth in section thirteen, except the place of meeting, which shall be Bolivar, instead of LaGrange, and instead of the sum of twenty-five thousand dollars it shall be the sum of thirty thousand dollars of stock, in shares of twenty-five dollars each, and the sum of fifty cents being paid upon each share, the Bolivar and Jackson Railroad Company shall be regarded as formed.

Capital Stock.

SEC. 51. That the capital stock of the said Bolivar and Jackson Railroad shall be two hundred thousand dollars, to be subscribed for in shares of twenty-five dollars each, to be paid in money, or labor upon the said railroad; or both, at the option of the subscriber or subscribers, which choice must be designated by each subscriber at the time of making the subscription, and be by him or them entered on the books kept for subscription of stock; and on each share the sum of fifty cents must be paid at the time of subscribing; and so soon as stock to the amount of thirty thousand dollars, to be paid in as aforesaid, shall be subscribed to said road, the subscribers of said stock, their successors and assigns, shall be, and they are hereby declared to be incorporated into a company, by the name and style of the Bolivar and Jackson Railroad Company, and by that name and style shall be capable in law, of purchasing, holding, selling and leasing real and personal estate, so far as the same may be necessary for the purpose of constructing and using said railroad to the best

Incorporation.

advantage in the estimation of the directors and managers of the same, and by the said name they may sue and be sued, plead and be impleaded, and may have a common seal, and shall have and exercise all the rights, powers, privileges and immunities, which other corporate bodies may lawfully do, for the purposes herein expressed.

SEC. 52. *Be it enacted*, That all the powers, privileges and immunities conferred upon and extended to the LaGrange and Bolivar Railroad Company, by this act, be, and the same are hereby conferred upon and extended to the Bolivar and Jackson Railroad Company, so far as the same are or may be applicable to the same, or necessary to attain the objects of said company last aforesaid. And the charter and the chartered privileges of the said LaGrange and Bolivar Railroad Company, as specified in this act, so far as the same can be made applicable, are hereby adopted for and as the charter and chartered privileges and immunities of the Bolivar and Jackson Railroad Company, for the purpose of constructing a railroad from Bolivar, in Hardeman county, Tennessee, to Jackson, Madison county, of the same State, except that, instead of twenty-five thousand dollars, in section        of this act, the sum of thirty thousand dollars shall be subscribed for the Bolivar and Jackson Railroad, and instead of seventy-five thousand dollars in section        of this act, the term one hundred thousand dollars shall be used.

Powers and priv.  
ileges.

SEC. 53. Whenever the said LaGrange and Bolivar Railroad Company shall have received subscriptions of stock to the amount of seventy-five thousand dollars or over, and the Bolivar and Jackson Railroad Company shall have received subscriptions of stock to an amount exceeding one-third more than the LaGrange and Bolivar Railroad, may have received, in that case the board of directors of each company may become united into one board and body corporate, under the name and style of the LaGrange and Jackson Railroad Company, with all the corporate powers, rights, privileges and immunities, and subject to the same rules, conditions and liabilities as are by this act conferred and imposed on either. *Provided*, That a written agreement between the two boards of directors, signed by three-fourths of the directors of each company for such an union, and the said agreement having been submitted to a general meeting of the stockholders of both companies, representing a majority of shares of both companies, should vote for, approve, and adopt the said agreement of the directors, then, at the

May join roads.

first regular election for directors in either road, after such decision by the stockholders, the stockholders in both roads shall vote for one set of directors for the LaGrange and Jackson Railroad Company, under the same rules, regulations and restrictions as set forth in section of this act, who shall have the management, control and direction of the railroad from LaGrange to Jackson, with as full, ample and complete powers, as if by this act they were originally created by the directory.

**Bolivar and Co. Columbia railroad.** SEC. 54. *Be it further enacted*, That E. P. McNeal, J. H. Bills, E. Polk, A. Miller, of Bolivar; W. S. Wisdom, Maclin Cross, A. J. Kincaid, of Purdy; Lewis H. Broyles, George F. Benton, George D. Morrow, of Savannah; John McDougal, C. B. McLean, R. A. Hill, Waynesborough; F. Moody, L. J. Polk, W. Ridley, of Mount Pleasant; James Walker, sen., B. Mays, A. Looney, of Columbia, be, and they are hereby appointed commissioners, under the direction of any two of whom, at each place, subscriptions may be received to the capital stock of the Bolivar and Columbia Railroad, hereby incorporated, and they or any two of them may cause books to be opened at the above named places, at such time and at such other places as they may deem proper, at any time within twelve months after the 1st day of March, 1852, and after the first opening of the books they shall be kept open six days, from the hours of ten, a. m., to four, p. m., of each day, and if at the expiration of said days, the sum of fifty thousand dollars shall not be subscribed, in shares of twenty-five dollars each, with fifty cents for each share paid thereon at the time of subscription, the said commissioners shall respectively deposit all monies so received by them in some incorporated bank, redeeming its notes in specie, subject to the order of the board of commissioners, to be composed of the following persons, to wit:

**Open Books.**

**Capital Stock.** SEC. 55. *Be it further enacted*, That that the capital stock of the said Bolivar and Columbia Railroad Company shall be five hundred thousand dollars, in shares of twenty-five dollars each, and fifty thousand dollars of said stock being subscribed for, and on which fifty cents per share shall be paid in, shall constitute the said subscribers a body politic and corporate, and the same is hereby declared to be incorporated by the name and style of the Bolivar and Columbia Railroad Company, and by that name and style shall be capable in law to sue and be sued, plead and be impleaded, may have a common seal, and shall have, enjoy and exercise all the rights, powers, privileges and immunities

**Powers.**

which other corporate bodies may lawfully do for the purposes herein expressed.

SEC. 56. That all the powers, privileges and immunities conferred upon the LaGrange and Bolivar Railroad Company by this act, be, and the same are hereby conferred upon and extended to the Bolivar and Columbia Railroad Company, so far as the same are applicable to the same, or necessary to attain the objects of said company last aforesaid, and the charter and chartered privileges of the said LaGrange and Bolivar Railroad, as specified in this act, so far as the same can be made applicable, are hereby adopted for and as the charter and chartered privileges and immunities of the Bolivar and Columbia Railroad, for the purpose of constructing and building a railroad from and between Bolivar, in Hardeman county, Tennessee, and Columbia, in Maury county, of said State, except that where in section the term seventy-five thousand dollars is used, it shall be one hundred and fifty thousand dollars.

SEC. 57. *Be it enacted*, That J. G. M. Ramsey, Jos. L. King, John H. Crozier, James Williams, Jas. H. Cowan, Campbell Wallace, Thomas C. Lyon, and Charles H. Coffin, of the county of Knox, with such other persons or corporations, as shall associate with them, are hereby constituted a body politic and corporate, by the name and style of the Knoxville and Charleston Railroad Company, and by that name may sue and be sued, contract and be contracted with, and may exercise all the powers and privileges necessary for the construction and use of a railroad, either by double or single track, from the city of Knoxville, in the direction of Charleston, South Carolina, so as to form a continuous railroad connection between said cities.

SEC. 58. That said company is hereby invested, for the purpose of making and using said road, with all the powers, rights and privileges, and subject to all the liabilities and restrictions that have been conferred and imposed on the Nashville and Chattanooga Railroad Company in its original charter.

SEC. 59. That it shall and may be lawful for the said company to negotiate with any other railroad company, chartered by the States of North Carolina or South Carolina, or either of them, who may desire to extend their road over any portion of the route herein designated, and to transfer to said last mentioned company or companies, all the powers, rights and privileges herein conferred on them, either in whole or in part, and thereupon such company or companies shall have the same powers, rights, privileges and immunities in

making said road, on the route aforesaid, as are herein conferred on the company hereby incorporated, and be subject to the same limitations and restrictions.

**Capital Stock.** Sec. 60. That the capital stock of the said Knoxville and Charleston Railroad Company shall be five hundred thousand dollars, which may be increased, if necessary, to one million of dollars.

**When formed.** Sec. 61. That the above named commissioners, or any two of them, may open books of subscription for stock in said company, at such times and places as they may choose, and whenever one hundred thousand dollars has been subscribed, the said company may be considered as formed, and proceed to organize according to the provisions of this charter.

**Decatur & Philadelphia Railroad.** Sec. 62. *Be it enacted*, That the formation of a company is hereby authorized, for the purpose of constructing a railroad, to commence at some point on the Chattanooga, Georgetown and Charleston Railroad, to be designated by said company when organized, and to intersect the East Tennessee and Georgia Railroad, at or near Philadelphia, which company shall consist of the stockholders, and when formed shall be a body corporate, by the name and style of the Decatur and Philadelphia Railroad Company, and by such name shall have, enjoy, possess and exercise all the rights, powers, privileges and franchises, so far as the same are applicable, which the Nashville and Chattanooga Railroad Company have under the provisions of an act, passed the 11th December, 1845, entitled "an act to incorporate the Nashville and Chattanooga Railroad Company," and be subject to the same liabilities and restrictions therein imposed. *Provided*, That the prohibitions against granting a charter for any lateral or parallel road shall not be applicable to this charter. *And provided further*, That each share shall entitle the owner thereof to one vote.

**Capital stock.** Sec. 63. The capital stock of said company shall be five hundred thousand dollars, to be divided into shares of one hundred dollars each, and that Thomas Prigmore, of the county of McMinn, John McCallon, B. F. Locke, Elisha Sharp, Bryant W. Smith, Jacob Peak, Luke Peak, Abijah Boggess, sr., Thos. McElwee, Wm. L. Adams, Robert Davis, James Lillard, Joseph McStorcle, Dr. Hodge, Samuel Wood, John Taff, Jesse Martin, Reuben McKenzie, Stephen Taylor, Alexander Rice, Wm. S. Russell, Matthias Shaver, A. Cox, Thos. J. Mathis, and Howell Whitmore, of the county of Meigs, are hereby appointed commissioners, who may, at such times and places and upon such terms as they

may think proper, dispose of or open books for the subscription of said stock, and who shall, as to this road in all respects, have the power and perform the duties <sup>Power.</sup> prescribed for the board of commissioners of the Nashville and Chattanooga Railroad Company, by the 4th section of the act aforesaid, in relation to that road; and whenever the number of two thousand shares shall be subscribed, the company shall be considered as formed, and as having a corporate existence, as aforesaid; and the board of commissioners may proceed to survey the route of the road; and make an estimate of the cost of its construction; and when two thousand shares shall have been subscribed, the board of commissioners shall appoint a time for the purpose of electing a president and six directors, to manage the affairs of the company. The president shall be elected as the other directors are, by direct vote of the stockholders.

Sec. 64. The board of directors may call for the payment of the stock subscribed, in sums not exceeding <sup>Calls.</sup> five dollars on the share, in every thirty days, and to enforce its payment, and the same remedy is hereby given, as in the act aforesaid.

Sec. 65. That said company shall have the term of <sup>When to commence.</sup> five years, from and after the passage of this act, to commence said road.

Sec. 66. *Be it enacted*, That a copy of the proceedings of the board of directors, and the books, subscriptions and other books, of an incorporated company, certified by the secretary, under the seal of the company, shall be evidence in court, in all cases where the stockholders are concerned in suits, either in law or equity, between any stockholder and the company. <sup>Certified copy of record to be evidence between stockholder and company.</sup>

Sec. 67. *Be it enacted*, That in all suits in favor of or against a corporation, by or against a stockholder or stockholders, any stockholder may be a competent witness. <sup>Stockholder witness.</sup>

JORDAN STOKES,  
*Speaker of the House of Representatives.*  
M. R. HILL,  
*Speaker of the Senate.*

Passed, February 18, 1852.

## CHAPTER CCXLV.

AN ACT to incorporate the Nashville Fire Co. No. 1, in the city of Nashville.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Nashville Fire Company No. 1, in the city of Nashville, is hereby incorporated by the name aforesaid, with power to continue its organization, with power to establish a library, to acquire and hold a house and lot for the convenient transaction of its business, to sell and convey the same and re-invest the money as they may desire, and with power to have and use in their business a common seal.

SEC. 2. *Be it enacted*, That said company shall consist of not more than one hundred members, and that the members of said company shall be exempt from serving on juries and from all military duty.

JORDAN STOKES,

*Speaker of the House of Representatives.*

M. R. HILL,

*Speaker of the Senate.*

Passed, February 12, 1852.

## CHAPTER CCXLVI.

AN ACT for the relief of James Smith and James Clift.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Comptroller of the State be, and he is hereby authorized and directed to issue a warrant for the sum of one hundred and sixty-four dollars and nine cents, to James Smith, clerk of the circuit court of Polk county, in lieu of warrant No. 1437, heretofore issued to him for that sum, and lost by him, and that upon such warrant so to be issued to him, he be paid the sum of one hundred and sixty-four dollars and nine cents, out of any money in the treasury not otherwise appropriated.

SEC. 2. *Be it enacted*, That the Comptroller of the State issue his warrant to James Clift, of Hamilton county, for nineteen dollars and fifty cents, in lieu of warrant No. 1426, which warrant was issued October 23d, 1851,

and lost or mislaid by the said James Clift. *Provided*, That the president of the Bank of Tennessee, shall first notify all its branches not to pay or take in said lost warrants, No. 1437 and 1426.

JORDAN STOKES,

*Speaker of the House of Representatives.*

M. R. HILL,

*Speaker of the Senate.*

Passed, January 31, 1852.

## CHAPTER CCXLVII.

AN ACT to authorize the county courts of Weakley and Obion counties, to dispose of the unexpended balance of a fund appropriated for the improvement of the Obion rivers.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Trustees of Weakley and Obion counties, are hereby authorized to draw out of the branch of the Bank of Tennessee, at Trenton, the unexpended balance of the fund appropriated for the improvement of the Obion rivers within the limits of said counties.

SEC. 2. *Be it further enacted*, That the Trustees aforesaid, shall hold said fund so drawn as aforesaid, subject to the order of the county court of Weakley and Obion counties, which said counties are hereby authorized to expend upon the improvement or construction of roads, bridges, causeways or public buildings in said counties.

JORDAN STOKES,

*Speaker of the House of Representatives.*

M. R. HILL,

*Speaker of the Senate.*

Passed, February 12, 1852.

## CHAPTER. CCXLVIII.

AN ACT to secure the completion of the Tennessee Institution for the education of the Deaf and Dumb.

WHEREAS, For want of adequate means to erect another wing to the Tennessee Institution for the education of the Deaf and Dumb, located at Knoxville, the building is imperfect and incomplete; and whereas, also for want of means to construct the necessary enclosure, the grounds upon which the building is located are and must continue to be exposed. Therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the sum of eight thousand dollars be, and the same is hereby appropriated out of any monies in the treasury not otherwise appropriated, for the purpose of completing the Institution for the education of the Deaf and Dumb, located in Knoxville, and also for the purpose of properly enclosing the grounds belonging thereto.

SEC. 2. *Be it enacted*, That the Comptroller shall issue his warrant to the Treasurer for said sum, who shall pay over the same to the board of Trustees, or to the President of the said Institution, and it shall be the duty of said Trustees to apply the same for the purposes aforesaid, and report to the Legislature of 1853, how said sum has been used.

SEC. 3. *Be it further enacted*, That the sum of eight thousand dollars be, and the same is hereby directed to be paid out of the State Treasury, for the purpose of building the Blind Institute at Nashville.

SEC. 4. *Be it enacted*, That the Comptroller of the Treasury shall issue his warrant in favor of the cashier of the Bank of Tennessee for the above named sum, who shall deposit it in the Bank of Tennessee for safe keeping, and shall pay out the same upon the order of a majority of the board of Trustees of the Institute for the Blind.

SEC. 5. *Be it enacted*, That the sum of four thousand dollars be, and the same is hereby annually appropriated for the support of the said Institution for the benefit of the education of the Blind.

JORDAN STOKES,

*Speaker of the House of Representatives.*

M. R. HILL,

*Speaker of the Senate.*

Passed, February 16, 1852.

## CHAPTER CCXLIX.

**AN ACT** to change the dividing line between the counties of Campbell and Claiborne.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Tennessee,* That the dividing line between the counties of Campbell and Claiborne be changed as follows, to wit: Beginning on the north bank of Powell's river on lot line letter D, in Henderson & Co's, Powell's Valley survey, running northward with said line letter D, to the grant line, thence north to the Kentucky line, so as to include the first civil district of Claiborne county, in the county of Campbell.

**SEC. 2.** *Be it enacted,* That Alvis Kincaid, Jesse Rogers, Francis Ausmus, be and they are hereby appointed commissioners to run and mark said line as designated in the first section of this act, on or before the first day of April next; all persons living west of said line when run, and marked as above stated, be and they are hereby attached to, and shall have all the rights, privileges and immunities of other citizens of Campbell county.

Commissioners  
to run line.

**SEC. 3.** *Be it further enacted,* That said fraction of Claiborne county, shall not be attached to Campbell county until said section shall have employed the county surveyor, either of Claiborne or Campbell county to make an accurate survey of the remaining portion of Claiborne county, and after said surveyor shall have made said survey, and a report upon oath that Claiborne county will not be reduced below its constitutional number of square miles by said change of line between said counties; the surveyor shall receive the ordinary fees for his services to be paid by that part of Claiborne asking to be attached to Campbell county.

**SEC. 4.** *Be it enacted,* That the lines between the counties of Carter and Johnson, be so changed as to include the tracts of land on which Joshua Perkins and Richard G. Perkins live, within the said county of Carter.

Carter & Johnson  
counties.

**SEC. 5.** *Be it further enacted,* That the county of Benton retain its original name in honor of David Benton, an old and respectable citizen of said county.

Benton county.

JORDAN STOKES,

*Speaker of the House of Representatives.*

M. R. HILL,

*Speaker of the Senate.*

Passed, January 26, 1852.

## CHAPTER CCL.

AN ACT to relieve the Farmers and Merchant's Bank of Memphis.

WHEREAS, About the 27th of November, 1833, an act incorporating the Farmers's and Merchant's Bank of Memphis, was passed by the General Assembly of Tennessee, which provided that for the privilege of Banking, the said Bank was required to pay to the State annually, one half of one per cent. upon the amount of capital stock paid in. And whereas, The said Bank went into operation in the year 1834, and at the close of each year thereafter, up to the first day of January, 1847, it paid into the Treasury of the State, one half of one per cent. upon its capital, according to the requirements of its charter. And whereas, Since the 24th day of May, 1847, to the present time, it has not exercised the privilege of Banking, and for much the greater part of the time it has been restrained from the exercise of the same by the courts of the State. And whereas, To say the least, it is doubtful whether there exists any liability legally by said Bank, to pay to the State the bonus required by its charter for privileges which it has not enjoyed, and which could not be exercised except in contempt of the authority of the State; and whereas, it would be unjust and oppressive to its citizens, for the State to demand from the Bank and its stockholders, what the courts of the State would withhold from an individual under like circumstances. Therefore for the ends of justice and remedy whereof,

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That upon the payment into the treasury of the State, that portion of the bonus accruing prior to the 24th day of May, 1847, for the exercise of the privilege of banking, that it shall operate and stand as a release of all claims which the State may have upon said Bank for that portion which has arisen after that date, and down to the period that Banking privileges by said Institution shall again be exercised and enjoyed.

Sec. 2. *Be it further enacted,* That the number of directors shall be reduced to five, instead of twelve, and that the annual election of directors shall be held on the first Monday of March of each year, instead of the first Monday of January of each year, under the same rules and powers, as at present prescribed by the charter of said Bank.

Sec. 3. *Be it further enacted,* That the stock of said Bank may be reduced in said Bank, in payment of

No of Directors  
reduced.

debts due thereto, and that the bonus in future of said Bank, shall be one half of one per cent. upon its capital employed in Banking. *Provided*, That upon a reduction of its capital stock as herein contemplated, the Bank make out a certificate thereof, showing the amount of said reduction under seal of the corporation, signed by the president, and countersigned by the cashier of said Bank, and file the same with the treasurer of the State. Reduction of stock.

Sec. 4. *Be it further enacted*, That the said Bank be, and is hereby required to resume specie payments by or before the next regular meeting of this General Assembly, and that upon a return to specie payments and the payment into the treasury of the State of the bonus due to the 24th May, 1847, that the said Bank shall be restored to all the powers and privileges heretofore possessed and enjoyed by it. When to resume specie payments.

JORDAN STOKES,

*Speaker of the House of Representatives.*

M. R. HILL,

*Speaker of the Senate.*

Passed, February 13, 1852.

## CHAPTER CCLI.

AN ACT to authorize Henry Long and Henry M. Long, of Marion county, to open a turnpike road.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Henry Long and Henry M. Long, citizens of Marion county, State of Tennessee, be and they are hereby authorized to open a turnpike road, commencing on the Kelley's ferry road leading from Jasper, at or near Henry Long's residence diverging to the left from said Kelley's ferry road on the path way known as the cut off across Walden's ridge, pursuing the pathway on the most acceptable ground, till said proprietors reach Haléy's turnpike as was formerly used, thence with said old pike on the most practicable ground on either side of said old pike, if necessary, till the road reaches at or near the north bank of Tennessee river, thence up said river to Suck creek, on the line of Hamilton county, said road lead-

ing in the direction of Chattanooga, Tennessee, said road to be opened in two years from April, 1852, agreeably to the provisions of a charter passed during the session of forty-seven and eight, permitting T. P. Kelley, formerly of Marion county, to open and cut out a turnpike road, chap. 78, sec. 10. Said Longs shall be entitled to the same rate of toll that the aforesaid Kelley is entitled to by his charter, and subject to all the restrictions of said T. P. Kelley's road. If the commissioners hereafter appointed should think proper to require a good bridge across Suck creek, the aforesaid proprietors shall be bound to build one.

**Commissioners.** SEC. 2. *Be it further enacted*, That the county court of Marion county, at the January term, 1852, or at any time thereafter, appoint two commissioners on said proprietors road, who shall have all the powers, and be subject to all the restrictions of the commissioners on said T. P. Kelley's road.

**Indian creek bridge.** SEC. 3. *Be it further enacted*, That the privileges conferred by this charter, shall continue with the restrictions herein provided, for the term of thirty years.

SEC. 4. *Be it enacted*, That five hundred dollars of the unexpended river improvement fund, appropriated to the rivers in East Tennessee, east of Knoxville, by an act passed January 26th, 1838, be and the same are hereby appropriated to the building of a bridge across Indian creek, at or near Green Bunden's in Grainger county. *Provided*, The commissioners of Bean's Station turnpike road deem it expedient; otherwise, they shall apply said money to the improvement of said road.

**Bank at Rogersville.** SEC. 5. *Be it enacted*, That the branch of the Bank of Tennessee, at Rogersville, shall pay over to said commissioners said money on application, and that the certificate of the commissioners of said road, shall be sufficient voucher to the Bank.

JORDAN STOKES,

*Speaker of the House of Representatives.*

M. R. HILL,

*Speaker of the Senate.*

Passed, January 26, 1852.

## CHAPTER CCLII.

AN ACT to incorporate the Paint and Oil Manufacturing Company.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That a body corporate and political by the name and style of the Paint and Oil Manufacturing company, for the purpose of manufacturing paints of every description, and all kinds of oils, is hereby constituted and established, to continue and have succession for the term of ninety-nine years, to make and use a common seal, the same to alter at pleasure, to make such by-laws not inconsistent with the laws of the State, or the United States, as it may deem useful or necessary for its government, to sue and be sued, to plead and be impleaded, to hold by purchase or otherwise, and to dispose of the same, any real or personal property which may be useful or necessary for carrying on its operations, or which it may be possessed of in payment of debts due to it, in whole or in part. *Provided,* The cost of such real estate at any one time so held, shall not exceed the maximum amount of its capital stock hereinafter provided for. Incorporation.

SEC. 2. *Be it enacted,* That the capital stock of the company, shall be divided into shares of fifty dollars each, which shall be considered in law as personal property, shall consist of not less than one hundred shares, nor more than one thousand shares, shall be transferable only on the books of the company, and then only with the consent of the board of directors, or a majority of them in session, unless the whole amount of such stock shall have been previously paid up in full, nor whilst the transferring stockholder shall in any wise be indebted to the company. The company shall have power to declare forfeited to it any shares of stock which may remain unpaid, in whole or in part, or it may sue for and recover such unpaid installments before any court or other tribunal having jurisdiction over such sums. *Provided,* Such forfeitures shall not be valid unless made after thirty days notice of such cause shall have been made in some newspaper published in the city of Nashville; the said company may at its pleasure, and in such manner as the directory may elect, increase its capital to any sum deemed advisable, between the minimum and maximum amounts heretofore provided for. Capital Stock.

SEC. 3. *Be it enacted,* That Williamson H. Horn, James M. Hughes, John H. Ewin, John S. Young, J. Commissioners.

M. Zimmerman, Wm. Turbeville, M. S. Pilcher, R. O. K. Martin, James Woods, James A. McAlister, M. M. Monahan, A. B. Robinson and George Sloan, are hereby appointed commissioners, who or any three or more of them, may after having given ten days notice of the time and place for so doing, open books for subscription to the capital stock of said company, and may keep such books open for subscription until the number of one hundred shares or a greater number, as they may decide, not exceeding the maximum number provided for, shall have been taken, so soon as the number of shares agreed on by the acting commissioners shall have been subscribed, they shall give not less than ten days notice, and the stockholders may then proceed to elect from their own body, a board of directors; each share entitling its owner to one vote in all elections by the stockholders, who may vote by proxy or in person for said board of directors, on any question submitted to a meeting of them. The said board of directors shall consist of five, one of whom, shall be elected president, and he and the other members of the board shall hold their places for the term of one year, or until their successors shall have been elected. *Provided*, A failing so to do shall in no wise cause a forfeiture of this charter. *And also provided*, That no stockholder shall be entitled to vote who may be in arrears of calls previously made on stock owned by him. The said president and board of directors shall elect, appoint or employ all other officers, agents, managers &c., necessary for conducting the affairs of said corporation, and affix their salaries, and do on behalf of the company all such other acts as are incident to such bodies; the said directory causing to be kept regular minutes of their proceedings, which shall be open to the inspection of any stockholder desiring to inspect the same.

JORDAN STOKES,

*Speaker of the House of Representatives.*

M. R. HILL,

*Speaker of the Senate.*

Passed, February 5, 1852.

## CHAPTER CCLIII.

AN ACT for the incorporation of the town of North Winchester, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the citizens in the following boundary in the county of Franklin, be and they are hereby incorporated in a body politic, under the name and style of the town of North Winchester, beginning at Edwin Martin's lower spring on the north side of the Boiling Fork of Elk river, and running up said creek to the Dardis tanyard, thence with the creek to the end of the bridge, thence with said creek to Adam Ochmig's mill, thence with the meandering of the creek to the head of the Bluff above the stable of Thomas H. Garner, thence by a direct line to the beginning, under all the regulations and privileges conferred upon the town of Winchester, in said county of Franklin, by an act passed October 20th, 1821, and other subsequent acts explanatory of said act and for other purposes, for the incorporation of the town of Winchester, in the county of Franklin.

Incorporation of  
North Winchester.

SEC. 2. *Be it enacted*, That the town of Jasper, and the inhabitants thereof, be and they are hereby constituted a body corporate, by the name and style of the Mayor and Aldermen of the town of Jasper, and by the name and style aforesaid, shall have perpetual succession, and may have and use a common seal, and may, by the name and style aforesaid, sue and be sued, plead and be impleaded, may have, receive, purchase, and hold property, whether real or personal, and may grant, sell and dispose of the same, for the use and benefit of said town.

Incorporation of  
Jasper.

SEC. 3. *Be it enacted*, That the corporation aforesaid, shall have full power and authority to enact such by-laws and ordinances as may be necessary and proper, to preserve the health, quiet and good order of said town, to levy and collect taxes upon all property and privileges within said corporation, which are or may hereafter be made taxable by the laws of this State, and to do all other things properly coming under the jurisdiction of like corporations, not inconsistent with the constitution and laws of the United States, or of the State of Tennessee.

Power

SEC. 4. *Be it enacted*, That all fines and forfeitures imposed by the by-laws and ordinances of said corporation, not exceeding fifty dollars, shall be recoverable by action of debt before the Mayor of said town, or

Fines and for-  
feitures.

any justice of the peace for Marion county, and for sums exceeding said amount, before the circuit court of said county.

**Elections.**

Sec. 5. *Be it enacted*, That on the first Saturday in January, in each and every year, the sheriff of Marion county, or the constable of said corporation, shall open and hold an election at the court house in the town of Jasper, after having given five days notice, for five aldermen, who shall respectively hold their offices for twelve months, and until their successors shall be elected and qualified, and all persons living within the bounds of said corporation, who shall have been residents thereof for three months previous to said election, and who are otherwise qualified and entitled to vote for members to the General Assembly, and all persons so qualified, owning real estate in said corporation, whether residents therein or not, shall be entitled to vote in said election. Said election shall be adjudged by three freeholders, to be appointed and qualified by the officer holding said election, and immediately after the polls are counted out, the officer holding the election, shall deliver to each person so elected to the office of Aldermen, a certificate of his election, and should said officers herein authorized to advertise and hold said election, fail to do so on the first Saturday in January, the same may be done at any time thereafter.

**Organization.**

Sec. 6. *Be it enacted*, That it shall be the duty of the Aldermen, so elected as aforesaid, within ten days after their election to meet, and on presentation of their certificates of election to any justice of the peace for Marion county, he shall administer to them an oath of office, to the effect that they shall faithfully demean themselves as such, during their continuance in office, and thereupon said board shall organize themselves, a majority of whom shall constitute a quorum to transact business, and proceed to elect one of their body to preside as Mayor for the current year, and until his successor shall be appointed, and also a Recorder, Constable and Treasurer, the two latter of whom shall enter into bond with sufficient security to be approved by the Mayor, each in the sum of two hundred dollars, faithfully to collect and pay over, as required by said board, all taxes, fines, forfeitures, &c., which may be due to said corporation, and the said Recorder, Constable and Treasurer, shall respectively hold their offices for one year, and until their successors are appointed.

**Vacancies.**

Sec. 7. *Be it enacted*, That all vacancies for Aldermen and other officers in said corporation, shall be filled for the residue of the term by the board of alder-

men in office; and the persons so appointed by them, shall possess the same qualifications for office as required in the fourth section of this act.

SEC. 8. *Be it enacted*, That it shall be the duty of the Constable faithfully to collect and pay over to the Treasurer, on the first Mondays in January and July annually, all taxes, fines and forfeitures due and owing said corporation; and on failure, shall be liable, on motion, before the circuit court of Marion county, and shall further be liable to removal from office for delinquency, at the pleasure of the Mayor and Aldermen. Constable to collect.

SEC. 9. *Be it enacted*, That it shall be the duty of the Jailor of Marion county, to receive and keep in jail, any person who may be committed to his charge for a breach of the by-laws and regulations of said corporation, for which he shall receive the same fees as in other cases of imprisonment. Duty of Jailor.

SEC. 10. *Be it enacted*, That the bounds of said corporation shall be co-extensive with the boundaries of the original plan of the town of Jasper, and with the boundaries named in a former act of incorporation, adding thereto, the one acre lot, upon which is located the church and public graveyard. Boundaries.

SEC. 11. *Be it enacted*, That all laws and parts of laws, heretofore enacted upon the subject of said corporation, be and the same are hereby repealed.

SEC. 12. *Be it enacted*, That when any tax or duty shall be levied or imposed by said corporation, upon any real estate lying within said town, and the owner or owners thereof, fail to pay said taxes within the year for which the same was levied or imposed, it shall be the duty, of the recorder, upon the fact being reported to him by the town constable, that the owner or owners have no personal property upon which he can distrain, to report the said real estate to the circuit court of Marion county, at the first or second term for the year next succeeding; and it shall be the duty of said court to enter up judgment against the said real estate for the taxes or duties remaining due and unpaid thereon; and the same shall be sold by the sheriff at the same time and place, and in the same manner, and under the same conditions as if the taxes had been due the State or county; and which sale shall vest the title in the purchaser as in other tax sales, and the sheriff shall pay over to the treasurer of said corporation the taxes so by him collected, and on failure, shall be liable, on motion, as in other cases, with twelve and a half per cent. interest thereon. Taxes.

SEC. 13. *Be it enacted*, That in electing or appoint-

Constable.

ing a town constable, they may select any person not a member of the board, who is twenty-one years of age, and living within said corporation, and said constable shall have such fees for his services as may be allowed other constables by the laws of this State for like services, and that the Mayor be allowed such fees for his services, as are allowed by law to justices of the peace for like services.

Fees.

SEC. 14. *Be it enacted*, That this act shall go into effect immediately after its passage; and immediately after its passage, the sheriff may advertise to hold an election under the provisions of this act, for aldermen for the present year.

Winchester.

SEC. 15. *Be it enacted*, That the style of the corporation of the town of Winchester, be and the same is hereby changed from Intendent and Council of the town of Winchester, to Mayor and Aldermen of the town of Winchester, and that hereafter, it shall be known and designated by such style.

JORDAN STOKES,

*Speaker of the House of Representatives.*

M. R. HILL,

*Speaker of the Senate.*

Passed, January 23, 1852.

## CHAPTER CCLIV.

AN ACT to incorporate the Lawrence Manufacturing Company.

Incorporation.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That a body corporate and politic, by the name and style of the Lawrence Manufacturing Company, for the purpose of manufacturing buckets, pails, tubs, and all other description of cooper's and hollow ware, or all or any description of cabinet furniture, is hereby constituted and established, to continue and have succession for the term of ninety-nine years, to make and use a common seal, the same to alter at pleasure; to make such by-laws, not inconsistent with the laws of the State, or of the United States, as it may deem useful or necessary for its government; to sue and be sued, to plead and be impleaded, to hold by purchase or otherwise, and to dispose of the same, any real estate or personal property, which may be useful or necessary

for carrying on its operations, or which it may become possessed of in payment of debts due to it, in whole or in part. *Provided*, The cost of such real estate at any one time, so held, shall not exceed the maximum amount of its capital stock hereinafter provided for.

SEC. 2. *Be it enacted*, That the capital stock of the Capital Stock. company shall be divided into shares of one hundred dollars each, which shall be considered in law as personal property, and shall consist of not less than one hundred and fifty shares, nor more than one thousand shares, shall be transferable only on the books of the company, and then only with the consent of the board of directors, or a majority of them in session, unless the whole amount of such stock shall have been previously paid up in full, nor whilst the transferring stockholder shall in any wise be indebted to the company. The company shall have power to declare forfeited to it, any shares of stock which may remain unpaid, in whole or in part, or it may sue for and recover such unpaid instalment before any court or other tribunal having jurisdiction over such sums. *Provided*, Such forfeitures shall not be valid, unless made after thirty days notice of such call shall have been made in some newspaper published in the city of Nashville. The said company may, at its pleasure and in such manner as the directory may elect, increase its capital to any sum deemed advisable, between the minimum and maximum amount heretofore provided for.

SEC. 3. *Be it enacted*, That all the stockholders, not Liability. having paid in the calls which shall have been made on their stock, shall be individually liable to the creditors of the company to the amount so remaining unpaid, and in like manner shall the directors be individually bound for any amount they may declare and authorize to be paid to the stockholders as dividends, when at the time of so declaring and paying out the company shall be unable to pay all debts due by it, to avoid such responsibility on his part, the dissenting director shall enter, or cause to be entered, on the minutes of the board his dissent thereto, or if not present when the act is done, he shall so record, or cause to be recorded, his dissent thereto within the space of thirty days after such dividend shall have been authorized.

SEC. 4. *Be it enacted*, That Wm. P. Lawrence, John Trimble, A. W. Putnum, W. B. A. Ramsey, R. H. McEwen, Alexander Fall, A. V. S. Lindsley, Wm. T. Berry, John M. Lawrence, John Shelby, Sterling R. Cockrill, Alex. J. Porter, James P. Clark, F. K. Zollcoffer, R. B. Castleman, A. W. Johnson, Wm. Donel-

son, Samuel Seay, W. W. Woodfork, John A. McEwen, and Samuel R. Anderson, are hereby appointed commissioners, who, or any three or more of them, may, after having given ten days notice of the time and place or times and places for so doing, open books for subscription to the capital stock of said company, and may keep such books open for subscription until the number of one hundred and fifty shares, or a greater number, as they may decide, not exceeding the maximum number provided for, shall have been taken. So soon as the number of shares agreed on by the acting commissioners shall have been subscribed, they shall give no less than ten days notice, and the stockholders may proceed to elect from their own body a board of directors, each share entitling its owner to one vote in all elections, by stockholders, who may vote by proxy or in person for said board of directors, or on any question submitted to a meeting of them. The said board of directors shall consist of five, one of whom shall be elected president, and he and the other members of the board shall hold their place for the term of one year, or until their successors shall have been elected. *Provided*, A failing so to do, shall in no wise cause a forfeiture of this charter. *And also provided*, That no stockholder shall be entitled to vote who may be in arrears of calls previously made on stock owned by him. The said President and board of directors, or a majority of them, shall elect, appoint or employ all other officers, agents, managers, &c. &c., necessary for conducting the affairs of said corporation, and affix their salaries, and do on behalf of the company; all such other acts as are incident to such bodies, the said directory causing to be kept regular minutes of their proceedings, which shall be open to the inspection of any stockholder desiring to inspect the same.

JORDAN STOKES,

*Speaker of the House of Representatives.*

M. R. HILL,

*Speaker of the Senate.*

Passed, February 12, 1852.

## CHAPTER CCLV.

AN ACT to increase the revenue of the State, and define the rates of license for Agents of Insurance Companies.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That any agent or agents of any insurance company of another State, who shall in this State, hold himself or themselves out as such agent or agents of such insurance company, for the insurance of life, or property, or both, shall be required to obtain license of the county court clerk, of the county in which he or they may reside. And if said agent or agents shall propose to act as such, for any company for the insurance of life only, such agent shall pay the sum of two hundred and fifty dollars; and if such company shall propose to insure property, or property and life, said agent shall pay for license the sum of seven hundred and fifty dollars.

SEC. 2. *Be it enacted*, That before issuing license to such agent, the clerk of the county court shall require <sup>Agent to give</sup> bond. him to give bond, with good security, for the amount required in the foregoing section to be paid for license, payable twelve months from date of license.

SEC. 3. *Be it enacted*, That any agent of an Insurance company obtaining license of the clerk of any county court in this State, and complying with the requirements of the foregoing sections of this act, may establish an agency in any other counties of this State without paying any additional State tax therefor.

SEC. 4. *Be it enacted*, That any person acting as the agent of any insurance company of another State, without first obtaining a license as required by this act, shall be liable to presentment and indictment as in other cases of misdemeanor, and upon conviction of a violation of the provisions of this act, shall be fined a sum not to exceed seven hundred and fifty dollars, and imprisoned for a term not exceeding three months. <sup>Sub-agents in other counties not to pay State tax.</sup>

SEC. 5. *Be it enacted*, That all laws, or parts of laws, inconsistent with the provisions of this act, are hereby repealed. <sup>Penalty for acting without license.</sup>

JORDAN STOKES,  
*Speaker of the House of Representatives.*  
M. R. HILL,  
*Speaker of the Senate.*

Passed, February 20, 1852.

## CHAPTER CCLVI.

AN ACT to amend the laws of this State regulating the Practice in Criminal Proceedings, and for other purposes.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Tennessee,* That, hereafter, whenever any person or persons may be indicted or presented for any violation of the criminal laws of this State, and upon being arraigned for the same, before any court having jurisdiction thereof, shall plead not guilty, and he, she or they are tried upon the merits of the case, any omission of the clerk of the court to file or enter his, her or their plea of record, shall be no cause for a new trial in the court trying the same, nor shall such an omission operate as an error for reversal in the supreme court.

**SEC. 2.** *Be it enacted,* That whenever any person or persons may hereafter be indicted, as pointed out in the first section of this act, and shall proceed to the trial of his, her or their case upon its merits, any omission of the attorney general or grand jury to mark a prosecutor upon the indictment, or any omission of the clerk in transmitting a copy of the record to the supreme court, if an appeal shall be prayed, to show in the record that there was a prosecutor, shall not be considered either a cause for a new trial in the circuit or criminal court, or for reversal in the supreme court for error.

**SEC. 3.** *Be it enacted,* That in all cases where any person or persons may hereafter be tried and convicted in any of the courts of this State, for any violation of the criminal laws of the same, and shall appeal to the supreme court, the omission of the clerk of the court to send any caption to the record, or to embody in said record the venire facias, shall not operate as sufficient cause of error for reversal, and any defect made or committed by the clerks of the courts in making out the caption of the record of the courts at which such person or persons may have been indicted, presented or convicted, shall be no cause for a new trial in said court.

**SEC. 4.** *Be it enacted,* That whenever any person or persons may hereafter be indicted for any violation of the criminal laws of this State, and are thereupon tried and convicted upon the merits of his, her or their case; the omission of the clerk of the court to enter upon the minutes of said court, that the grand jury had returned the indictment into open court, shall be no cause for either a new trial in said court, or a reversal in the supreme court. *Provided,* That the indictment shows upon its back, that it was found a true bill.

**SEC. 5. *Be it enacted,*** That if any person or persons shall be indicted in any of the courts of this State, which indictment shall have been drafted by an attorney general, pro tempore, and shall be convicted under the same; any omission of the clerk to enter the appointment of the attorney general upon the minutes of the court, shall not be any cause either for new trial, or for reversal in the supreme court.

**SEC. 6. *Be it enacted,*** That whenever any person or persons may be convicted in any of the circuit or criminal courts of this State, for any violation of the criminal laws thereof, and shall carry his, her or their case to the supreme court; any omission of the clerk of the court below to state that the venue was proven, shall not be cause for reversal in said supreme court. *Provided,* That it shall, hereafter, be as much the duty of the clerks of the various circuit and criminal courts of this State, and the attorney generals and grand juries thereof, to perform the duties mentioned in the foregoing sections of this act, as being omitted by them, as heretofore; this act only being intended to cover cases of unintentional omission, and in every instance, where the clerk or attorney general shall be guilty of any such neglect or omission, they shall forfeit all tax fees and costs to which they may be entitled in such case.

**SEC. 7. *Be it enacted,*** That the various causes and omissions, mentioned in the foregoing sections of this act, as not being sufficient to authorize either a new trial in the court trying the case, or for reversal in the supreme court, shall, hereafter, also be considered as not sufficient cause, upon any motion in arrest of judgment, to arrest the same.

**SEC. 8. *Be it enacted,*** That, hereafter, whenever any warrant, to keep the peace, shall be sworn out before any justice in this State, and upon the papers in the cause being returned to any circuit or criminal court for its action thereupon, it shall be determined by said court, that the cause for swearing out such warrant is insufficiently, or illegally stated, or any other material allegation is omitted, then, and in such cases, it shall be the duty of said court to order such amendments to said proceedings as may be necessary without costs to the State; and upon a final hearing of the same, if the court, trying the cause, shall adjudge the defendant or defendants guilty as alleged, it shall render judgment for all the costs that have accrued, as if no amendments had been made, against the defendant or defendants.

**SEC. 9. *Be it enacted,*** That whenever any bond or recognizance shall be entered into before any court of re-

Failure to state  
venue not cause  
for reversal. §

Proceedings on  
peace warrants  
may be amended

Common law  
bonds and recog-  
nizances consid-  
ered statutory.

cord, judge, justice of the peace, sheriff, deputy sheriff, constable or other officer, whose duty it may be to take such bond or recognizance, for the appearance of any defendant or defendants before any court of record or magistrate, to answer the State upon any charge for a violation of the criminal laws of this State, no answer, plea, demurrer, or other defence shall be considered legal or valid, except such defence as would be legal and valid to such bond or recognizance in a suit at common law; but it is hereby made the duty of the court trying the same, or before whom the same is returnable, to enter up a forfeiture against the principal and securities in such bond or recognizance, and upon trying the case finally, to determine the same as if it were a good statutory bond or recognizance, and that all bonds or recognizances that may be deemed good and valid as common law bonds and recognizances, shall hereafter be considered as statutory, and that sci. fa. issue as heretofore.

SEC. 10. *Be it enacted*, That in every case where any defendant or defendants may hereafter be tried and convicted under the provisions of the foregoing sections of this act, said trial and conviction shall be as legal and valid a defence under the plea of former conviction, as if all the proceedings in the cause were as regular as now required by law, and the court trying the cause shall, if necessary, hear parol proof as to the identity of said offence.

Proceedings  
in misdemeanors  
not to be enrolled

SEC. 11. *Be it enacted*, That so much of the 26th section of the act of 1794, chapter one, as requires the clerks of the circuit and criminal courts in this State to enroll their record in cases of misdemeanor, be, and the same is hereby repealed, and that hereafter it shall not be incumbent upon said clerks to make any other record of all proceedings had in misdemeanors, than to carefully file in their respective offices the original papers in all such cases, and that so much of the first section of the act of 1831, chapter nine, as allows the clerks of the circuit and criminal courts the sum of one dollar and sixty-two and a half cents for enrolling the record in cases of misdemeanor, be, and the same is hereby repealed.

Attorneys Gene-  
ral to examine of-  
fices of circuit  
clerks,

SEC. 12. *Be it further enacted*, That it shall be the duty of the different attorneys general in this State, to examine the offices of the clerks of the circuit courts in this State, and if on such examination it shall appear that the said clerks have received or charged costs for enrolling any cause or causes in said courts or either of them, and have not recorded the causes within eight

months after final trial of the causes for which said costs have been charged or received, then it shall be the duty of the attorney general to enter a motion against such delinquent clerk, and his securities, for the amount of the said costs so charged or received, and the attorney general shall receive a tax fee of five dollars in each case, where the said defendant or defendants are found to be in default.

JORDAN STOKES,  
*Speaker of the House of Representatives.*

M. R. HILL,  
*Speaker of the Senate.*

Passed, February 27, 1852.

## CHAPTER CCLVII.

AN ACT to provide for the filling of certain vacancies.

*Be it enacted by the General Assembly of the State of Tennessee,* That if any vacancy has happened or may hereafter happen by death, resignation or otherwise in the office of judge or chancellor, in any of the judicial circuits or chancery divisions in this State, during the session of the legislature, that has been or may hereafter be filled by an executive appointment, the General Assembly, then or now in session, shall, by a joint ballot of both houses, elect a judge or chancellor to fill such vacancy, who shall hold his office until the adjournment of the legislature filling such vacancy.

JORDAN STOKES,  
*Speaker of the House of Representatives.*

M. R. HILL,  
*Speaker of the Senate.*

Passed, February 23, 1852.

## CHAPTER CCLVIII.

AN ACT to incorporate Rural Academy, in Sumner county, and for other purposes.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Tennessee,* That J. Harlan, D. Chenault, S. Lauderdale, R. Hall, J. Hibbett, and G. Winchester, be, and they are hereby constituted a body corporate, by the name of the Trustees of Rural Academy, situated in the county of Sumner, and that they and their successors, elected annually by the patrons of said academy, shall be capable in law to purchase, receive and hold, to themselves and their successors, any lands, tenements, goods or chattles, which may be given, granted or devised to them, or purchased for the use and benefit of said academy, and to appropriate and dispose of the same, in such manner as to them may seem fit and proper, for the use and benefit of said academy. And the said trustees and their successors, by the name aforesaid, may sue and be sued, plead and be impleaded, in any court of law or equity in this State or elsewhere.

**SEC. 2.** *Be it enacted,* That the trustees aforesaid, and their successors, shall have power to hold such meetings, at such times and places, as they may think proper, to elect one of their number president, and a secretary and treasurer of said board, and at any time to call meetings of the patrons of said academy, who may fill by election all vacancies that may happen by death, resignation or otherwise, and annually to call such meetings of the patrons, for the purpose of electing their successors, but in case the patrons fail to elect a new board of trustees, the old board shall serve until a new board is elected.

**SEC. 3.** *Be it enacted,* That when any student at said institution may be arraigned for any disorderly conduct, he shall be tried by said board of trustees, and such officers as they may have elected, and their judgment shall be a final decision of any such charge, and they shall have jurisdiction of any such charges, when the expulsion from said institution, or a suspension therefrom, is the only question at issue; and no student shall be expelled or suspended from said academy, except by the judgment and order of said trustees or a majority of them.

**SEC. 4.** *Be it further enacted,* That all matters of order and rule, for the government and discipline of said academy, shall be fixed and defined by said trustees, or a majority of them, which shall be a matter of record

in said institution, and that they have power to employ teachers for said academy, and to discharge the same on sufficient cause, bad conduct, &c.

SEC. 5. *Be it enacted*, That a majority of said board of trustees shall constitute a quorum for the transaction of business relating to the interests of said academy, and said board of trustees shall have power to grant diplomas, and make by-laws and regulations relative to said academy, provided that they are not inconsistent with the constitution and laws of the State of Tennessee. By-Laws.

SEC. 6. *Be it further enacted*, That this act take effect from and after the passage thereof.

SEC. 7. *Be it enacted*, That the act incorporating the town of Murfreesboro', passed on the      day of      , in the year 1817, be so amended, that the qualified voters in said corporation shall elect a constable for said town and corporation, at the time hereinafter appointed, for the election of a board of mayor and aldermen therefor. Town of Murfreesboro'.

SEC. 8. *Be it enacted*, That the time of electing a board of mayor and aldermen shall be changed from the first Monday in January, to the first Saturday in December, in each and every year. Said constable shall be qualified, and said board of mayor and aldermen, so chosen, shall be organized, and enter upon their respective duties and trusts, on or before the second Monday in January next succeeding the time of their election as aforesaid. Time of Election of board of Aldermen.

SEC. 9. *Be it enacted*, That it shall be the duty of any acting justice of the peace, for Rutherford county, upon application by the constable, for said town, either verbally or in writing, to issue a warrant, or other necessary process, directed to said constable, commanding him to arrest or apprehend, any person or persons, who may violate any of the laws or ordinances, or regulations of said board of mayor and aldermen, within the limits of said corporation. Justice to issue process.

SEC. 10. *Be it enacted*, That the person or persons, so apprehended or arrested, shall be taken before some acting justice of the peace, for the county of Rutherford, who upon hearing the evidence in any such case, shall proceed to pronounce such judgment as may be necessary, to carry out and execute any of the laws, ordinances, and regulations of said board of mayor and aldermen. Justice may give judgment.

SEC. 11. *Be it enacted*, That the trustees of the Murfreesboro' Female Academy are hereby authorized and empowered to transfer and convey to the trustees of the Murfreesboro' Female Academy.

Soule Female College, all the grounds, buildings, appurtenances, &c., belonging to the Murfreesboro' Female Academy, upon such terms and conditions as the trustees of each institution may agree.

**SEC. 12.** *Be it enacted,* That an act to amend "an act <sup>Corporation of</sup> to incorporate the town of Pulaski, in the county of <sup>Pulaski.</sup> Giles," passed January 23d, 1850, be so amended in the 16th line of the 15th section, as to read as follows: "*Provided*, Said tax shall not exceed the sum of fifty dollars.

JORDAN STOKES,  
*Speaker of the House of Representatives.*  
M. R. HILL,  
*Speaker of the Senate.*

Passed, February 13, 1852.

## CHAPTER CCLIX.

AN ACT to amend the existing laws in relation to the practice in cases of set off.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Tennessee,* That in all cases hereafter to be brought in any of the courts of law in this State, where the defendant shall plead or give notice of a set-off, the plaintiff shall have the privilege of replying to such plea, and filing an answer to the notice in the same way, and so as to make the same defences as if suit had been originally brought upon the set-off.

**SEC. 2.** *Be it further enacted,* That in all cases mentioned in the first section of this act, where the set-off <sup>Judgment for</sup> plead by the defendant is found to exceed the claim of the plaintiff in any of the circuit courts of this State, that the court shall give judgment in favor of the defendant, for the excess of the said set-off over the claim of the plaintiff.

**SEC. 3.** *Be it enacted,* That this act shall take effect from and after its passage.

JORDAN STOKES,  
*Speaker of the House of Representatives.*  
M. R. HILL,  
*Speaker of the Senate.*

Passed, February 27, 1852.

## CHAPTER CCLX.

AN ACT to amend the act, passed 10th January, 1848, entitled "an act for the punishment of small offences and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the eighth section of an act, passed the 10th January, 1848, chapter 55, entitled "an act for the punishment of small offences," be so amended, that wherever it shall so happen, that the county trustee is an acting justice of the peace, that he shall execute his bond, as directed in said section, to the clerk of the county court of his county.

SEC. 2. *Be it further enacted*, That the first section of the act of 1838, chapter 167, be so amended, as that each of the justices, of any county in this State, where he has good reason to believe, that any person has committed the offence specified in said act, or when he is informed, by the affidavit of any person, be authorized to issue the process mentioned in that section, and upon the return, before him or any other justice, of such process, served upon the offender, it shall be the duty of the justice, before whom the same is returned, to hear and determine the case, and if he shall find the person guilty of having hawked and peddled without license, it shall be his duty to render judgment against the offender, for double the amount of the State and county tax, as provided in said section, and to issue execution therefor.

Penalty for  
hawking & ped-  
dling without li-  
cense.

JORDAN STOKES,  
*Speaker of the House of Representatives.*  
M. R. HILL,  
*Speaker of the Senate.*

Passed, February 27, 1852.

## CHAPTER CCLXI.

AN ACT to amend the laws regulating the fees of Justices of the Peace and Constables, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That from and after the passage of this act, the following fees shall be allowed justices of the peace and constables for the services named below, to wit: In criminal cases a justice of the peace shall be allowed for each warrant issued, twenty-five cents; for

Justice's Fee.

each subpoena, ten cents, and five cents for each witness included in said subpoena, when more than one; for each judgment rendered, seventy-five cents; for each recognizance or mittimus issued, fifty cents. In civil cases, a justice of the peace shall receive for each warrant issued, ten cents; for each subpoena issued, ten cents, and when more than one witness is included in the same subpoena, five cents for each additional witness; for each judgment rendered, twenty-five cents; for each execution issued, fifteen cents; for each attachment, with bond and affidavit, one dollar; for each appeal granted, and appeal bond taken, fifty cents; for taking and enclosing depositions, one dollar; for transcript of record, twenty-five cents; for transcript of all papers in a suit, fifty cents; for issuing commission to take depositions, twenty-five cents; for probating accounts, ten cents. A constable shall be allowed for each person, upon whom he may serve process of any kind, the sum of fifty cents; for each witness summoned, twenty-five cents; for executing mittimus, fifty cents; for whipping slave by order of court or justice, one dollar, to be paid by the master of the slave; for each service of process upon a defendant in a criminal case, fifty cents; for each attachment, fifty cents; for taking a seplevy or delivery bond, twenty-five cents; for taking prisoner to jail, per mile, five cents; for each days attendance at court, one dollar; for commissions for collecting money on execution, for the first hundred dollars, four dollars; for every hundred dollars, over one and not exceeding three hundred, three dollars; for every hundred over three hundred, two dollars.

Constables fees.

Plaintiff to give security.

SEC. 2. *Be it enacted*, That before issuing any process in a civil case, the plaintiff may be required, by the justice of the peace, to give security for the prosecution of the suit, or take the oath required by the act of 1821, chapter 22, section 1st.

SEC. 3. *Be it enacted*, That all laws inconsistent with the provisions of this act are hereby repealed.

JORDAN STOKES,

*Speaker of the House of Representatives.*

M. R. HILL,

*Speaker of the Senate.*

Passed, February 10, 1852.

## CHAPTER CCLXII.

AN ACT to alter and change the line between the Counties of Smith and DeKalb, and for other purposes.

*Be it enacted by the General Assembly of the State of Tennessee,* That the dividing line between the counties of Smith and DeKalb, be so altered and changed, as to include the dwelling houses of H. H. Sullivan, John Corley and William H. Christian, in the county of DeKalb: to wit, beginning on the north boundary line of DeKalb county near H. H. Sullivan's South-west corner, and running thence in a North-eastern direction, to the big road leading to Carthage, near the said Christian's, and thence with said road to the DeKalb line.

SEC. 2. *Be it enacted,* That the Surveyor for the county of Smith, shall run said line and the persons attached by this act, shall pay said Surveyor his fees, for his services. *And Provided, further,* That the said citizens shall be entitled to all the rights and privileges of other citizens of DeKalb county, and that this act shall take effect from and after its passage.

SEC. 3. *Be it further enacted,* That the lines between the counties of Coffee and Grundy, be so altered as to include the lands of William H. Coulson, within the bounds of Coffee county. Coffee and Grundy counties.

SEC. 4. *Be it enacted,* That the dividing line between the counties of Warren and DeKalb, be so changed as to include the farm of J. N. Murphey, in the county of DeKalb, and that the South boundary line of the said Murphey's tract of land, shall be the dividing line between said counties of Warren and DeKalb. Warren and DeKalb.

SEC. 5. *Be it further enacted,* That the 1st and 6th sections of an Act passed 14th October, 1824, chapter 94, entitled, "An act to incorporate the town of Hardinville, in the county of Hardin, and for other purposes," be, and the same is hereby so amended as to extend the time of the incorporation of the town of Centreville in Hickman county, for the term of ninety-nine years from and after the expiration of the present incorporation. Centreville.

SEC. 6. *Be it further enacted,* That the corporate limits of Centreville, shall be extended, commencing at the north-east corner of said town, running thence East to P. Walker's west boundary line extended thence south so as to include the residence of J. D. Easley; this act shall be in effect from and after its passage. Corporate limits extended.

SEC. 7. *Be it further enacted,* That the qualified voters in the 1st civil district in the county of Hickman, be

Additional justice in 1st dist. of Hickman county.

and they are hereby authorized to elect one additional justice of the peace, who shall have co-extensive jurisdiction with other justices of the peace, in and for said county; and it shall be the duty of the officer holding the election for county officers at the next March election, to open and hold the election for said additional justice of the peace, who shall be commissioned and qualified as other justices of the peace now are; who shall hold his office until the next regular election for other justices of the peace, as now provided for under the present law; and forever afterwards, shall be elected at the same time that other justices of the peace are elected.

Sec. 8. *Be it further enacted*, That the line between the counties of Grundy and Coffee, be so changed as to include in the county of Coffee, William H. Willis and his lands; Mary E. Nevell, with her lands; Pollyana Nevell and her lands, and A. E. Patton and his lands: Beginning on the upper clift of the mountain, south of Mayer Price's; thence eastward to a road, called Mayer Price's road; thence down the mountain, with the road to the forks thereof; thence with the right hand fork of said road, to where it turns to go to Mrs. Sharp's old field; thence a direct line to a forked post oak, the north-east corner of A. E. Patton's two hundred acre tract; thence a direct line to the south-west corner of said tract, to a black oak, and the east line of the McCleary tract, (now owned by A. E. Patton,) thence southwardly, with the lines of McCleary's tract, owned by the heirs of Jas. W. Hunter, now occupied by James Burrell; thence westward with said Hunter's north, and Martha Nevill's south boundary lines, to the Coffee county line, near Ewel Sharp's fence, including the above named persons.

Sec. 9. *Be it further enacted*, That the above named persons, thus thrown into Coffee county, shall be entitled to all the rights and privileges of other citizens of Coffee county, and subject to all the liabilities of the same.

JORDAN STOKES,

*Speaker of the House of Representatives.*

M. R. HILL,

*Speaker of the Senate.*

Passed, February 2, 1852.

## CHAPTER CCLXIII.

AN ACT to charter the Junction Railroad Company, and for other purposes.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Tennessee,* That it shall be the duty of the President of the East Tennessee and Georgia Railroad Company, within two months after the passage of this act, to call, and have, a meeting of the stockholders of said company; first giving thirty days notice, through the usual newspapers of the time of said meeting, which shall be held at the office of said company; at which meeting the question shall be submitted to the stockholders and those representing stock, who may be present, whether they will accept of the provisions of the act, providing for a general system of Internal Improvements, so far as they relate to the East Tennessee and Georgia Railroad Company, and if a majority of the stock represented in said meeting, shall vote in favor of the acceptance of the provisions of said act, the same shall be made known forthwith by the President of said Company, to the Governor of the State, and it shall become as imperative and obligatory upon said railroad company, to complete the railroad from the south side of the Tennessee river at Blair's Ferry, or some point on the line of said railroad, not further than twelve miles south of the Tennessee river, to the town of Knoxville, as if the same had been made absolute and imperative in the original charter of said company. But if said meeting of stockholders shall decide against the acceptance of the provisions of said act, or if no decision should be made within the time prescribed above, for said meeting, then and in that case, James H. Cowan, Campbell Wallace, Joseph L. King, James G. M. Ramsey and William Swan of the county of Knox; and William Lenoir, Jr., John Grant, Avery Lenoir, Wesley Winton and James Lackey of the county of Roane; and William Wallace, J. E. Toole, Alex. Kennedy, H. T. Cox, James Donaldson, and Jabez Coulson, of the county of Blount, are hereby appointed commissioners, to open books of subscription for stock, to construct and complete said railroad from the south side of the Tennessee at Blair's Ferry, or some other point on the line of the East Tennessee and Georgia Railroad, not further than twelve miles south of the Tennessee River; connecting with said road, to Knoxville.

**SEC. 2.** *Be it enacted,* That said commissioners, or any two of them may open said books at such places

**Power and right  
to open.**

in their respective counties as they by public advertisement published in some newspaper at Knoxville may designate, on the first Monday in June next and continue the same open for thirty days, for a subscription of twenty-five hundred shares of stock of a hundred dollars to the share; and if on closing said books, said subscriptions shall amount to one thousand shares, said subscribers shall be and constitute a body politic and corporate by the name and style of the Junction Railroad Company, and as such shall have power to sue and be sued, plead and be impleaded, and have a common seal, and all the rights, benefits, grants, immunities, privileges, restrictions, rules and regulations, which have heretofore been or may hereafter be conferred by law upon the Hiwassee Railroad Company and the East Tennessee and Georgia Railroad Company, shall be extended to and conferred upon the Junction Railroad Company, so far as the same may be applicable for the purpose of enabling said last mentioned railroad company to complete the railroad as aforesaid, from the south side of Tennessee river, at Blair's Ferry, or some other point on the line of said East Tennessee and Georgia railroad, not further than twelve miles south of the Tennessee River to Knoxville, for the government of said company after the completion of said road.

**Commissioners to  
pay over money.**

SEC. 3. *Be it enacted*, That so soon as the books for subscription of stock in said Junction Railroad Company shall be closed at the end of the thirty days, aforesaid, the commissioners of Blount and Roane counties shall forward a list of the names of the subscribers for stock in their respective counties, to the commissioners for Knox county, and shall pay over to the commissioners for Knox county all sum or sums of money, which they may have received on said subscriptions, which shall be deposited, by said commissioners, in some bank in Knoxville, for the benefit of the company.

**May reopen  
books.**

SEC. 4. *Be it enacted*, That if on closing said books of subscription as aforesaid, said number of one thousand shares, shall not have been subscribed, said commissioners of Knox county, or any two of them acting as a central commission shall give notice of the same, by publication, and of the amount of stock subscribed, and shall also give notice of the time and places of re-opening said books for additional subscriptions, until the amount of one thousand shares of stock shall be subscribed for, and the commissioners of Blount and Roane counties shall pay over any moneys received by them on such subscriptions, and report the names of subscribers of stock, to the commissioners for Knox county, as

herein before provided. But, if on closing the books at any time, more than twenty-five hundred shares shall have been subscribed, the same shall be diminished by the regulation provided in the charter of the Hiwassee Railroad Company, until they are reduced to that number.

SEC. 5. *Be it enacted*, That the capital stock of said company shall be two hundred and fifty thousand dollars, but it may be increased by the President and Directors of the company, to five hundred thousand dollars. Capital Stock.

SEC. 6. *Be it enacted*, That each person at the time of making their subscription of stock as aforesaid, shall pay to the commissioners, the sum of five dollars on each share of stock, by them subscribed, and if the same is not paid at the time of making said subscription, it shall be null and void. \$5 paid on subscription.

SEC. 7. *Be it enacted*, That so soon as one thousand shares or more of stock shall be subscribed for in said company, it shall be the duty of the commissioners for Knox county, to give notice of that fact, by publication in some newspaper, printed in Knoxville, for two successive weeks, and call a meeting of the stockholders of said company, to assemble at Knoxville, to elect, not less than three, nor more than seven directors: and said directors shall proceed, as soon as may be convenient, to elect one of their number President, and shall also, have the power to elect such other officers and servants of the company, as they may think necessary, or may confer their appointment on the President, and may designate the times of their own meetings, and the meetings of the stockholders, and may make all such rules and regulations as they may deem necessary for the government of the company, not inconsistent with this act, and the charter of the Hiwassee and East Tennessee and Georgia Railroad Company. Organisation.

SEC. 8. *Be it enacted*, That the President and Directors of said company, shall have the power to locate the road, from the south side of the Tennessee river at Blair's Ferry, or from some point on the line of the East Tennessee and Georgia railroad, not further than twelve miles south of the Tennessee river, and shall complete and construct the same to Knoxville. Location of road.

SEC. 9. *Be it enacted*, That said company shall commence said road, within twelve months after the passage of this act, and complete it within three years thereafter.

SEC. 10. *Be it enacted*, That the Governor may in his discretion, appoint individual stockholders, State Directors, in the East Tennessee and Georgia Railroad. Governor may appoint stockholders, state directors.

company, and that this act take effect from and after its passage.

JORDAN STOKES,  
*Speaker of the House of Representatives.*

M. R. HILL,

*Speaker of the Senate:*

Passed, February 12, 1852.

## CHAPTER CCLXIV.

AN ACT to incorporate the Grayson Turnpike Company in Marion county, and to incorporate the Brownsville and Raleigh Plank Road Company.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Henry Grayson, is hereby authorized to open a turnpike road, leading from Altamont to Chattanooga; to commence at the county line between Marion and Grundy counties, commencing at the terminus of a road leading from Altamont to the county line; running thence to the top of the mountain, thence down the same at a place called the Stairs, thence to the valley road of Marion county at the most convenient point; the extent to be opened sixteen feet wide, twelve feet in the centre to be clear of stumps, rocks and other obstructions; and crossways and bridges when necessary, and upon the sides of the mountains when the nature of the ground is such, that it cannot be extended to the width herein required, said road may be reduced by the consent of the commissioners, to any width not less than ten or twelve feet, clear of stumps and other obstructions.

*Style of road*

*Penalty for road out of repair.*

SEC. 2. *Be it enacted*, That said road shall always be kept in repair, and if it shall be permitted to remain out of repair for the space of thirty days, at any one time, then it shall be the duty of the commissioners herein-after appointed by this act, to set said proprietor's gate open, and keep the same open, until said road shall be put in good order, to be adjudged by the said commissioners; said proprietor, for every such offence shall forfeit and pay the sum of twenty-five dollars, to be recovered by action of debt before any acting justice of the peace, having jurisdiction of the same, by any person who will sue for the same, and if said road shall be permitted to remain out of repair for the space of six months, at any one time, after the com-

missioners have set the gate open, said charter shall be forfeited.

**Sec. 3. *Be it further enacted,*** That the county court of Marion county, at the January term, 1852, or any subsequent term thereafter, shall appoint two commissioners of said road, whose duty it shall be, when the proprietor notifies them that said road is completed for use, to examine said road, and if said road is in their judgment in the order contemplated by this act, they shall proceed to license said proprietor to keep a toll gate upon said road, which license shall be under their hands and seals, and thereupon said proprietor, may proceed to erect a toll gate upon said road, and shall be entitled to receive the following rates of toll, to wit: all wagons loaded, drawn by six horses, sixty cents, Rates of toll also by five horses, fifty cents; by four horses, forty cents; the same rates, if drawn by mules, or oxen: empty wagons, half price; for carts drawn by mules or oxen or horses, twenty-five cents; for each four wheel pleasure carriage, fifty cents; for each two wheel pleasure carriage, twenty five cents; for each man and horse ten cents; for each horse or mule not in a drove, five cents; for each horse or mule or cattle in a drove, two and a half cents; for each head of hogs or sheep, one cent, that may travel through said gate, excepting citizens of Marion county moving stock off and on the mountain, shall not be charged toll.

**Sec. 4. *Be it enacted,*** That the commissioners herein appointed by this act, shall, before entering upon the duties of their appointment, take and subscribe the following oath, to wit: I do solemnly swear, I will well and truly perform the duties enjoined on me by this act according to the best of my knowledge and ability, so help me God. And said commissioners shall be entitled to receive one dollar and fifty cents per day, for the time they are engaged in performing the duties enjoined on them by this act, to be paid by the proprietor of said road. Commissioners oath

**Sec. 5. *Be it enacted,*** That if any person or persons, shall pass said gate arbitrarily, or within one mile thereof for the purpose of evading said toll, such person or persons shall, for every such offence forfeit and pay to the proprietor the sum of five dollars to be recovered before any justice of the peace in the State, except those heretofore reserved. Penalty for passing gate.

**Sec. 6. *Be it enacted,*** That the said proprietor shall be entitled to hold and enjoy the privileges of this charter for thirty years, and have two years from the passage of this act, to complete said road.

Brownsville and  
Raleigh Plank  
road company.

SEC. 7. *Be it further enacted*, That W. H. Loving, Howell Taylor, Jas. Bond, Hiram Bradford, Anthony Corlton, Joseph B Stanton, William B. Maclin, George G. Ware, C. Spencer, and John T. Moore of Haywood county; George T. Taylor, F. A. Maclin, Daniel Whitely, E. R. Sherrod and Thomas M. Rivers of Tipton county; Wm. Rivers, Col. Elkin, Joseph Braden, and E. Whitmore of Fayette county; and Samuel Bond, William Griffin, Scott Bain, Thomas Crenshaw and W. P. Reaves of Shelby county, and all other persons, who may become stockholders, pursuant to the provisions of this act, shall be, and they are hereby constituted a body politic and corporate, by the name and style of the Brownsville and Raleigh Plank road Company and by that name, may sue and be sued, plead and be impleaded, shall have a common seal and succession for ninety nine years.

Open Books.

SEC. 8. *Be it enacted*, That the persons named in the 7th section of this act, or any five of them, are hereby appointed commissioners to open books to receive subscriptions for stock in said company, at such times and places [as they may deem most suitable; said books to be opened within ten months from the passage of this act; and said commissioners are authorized to receive such subscriptions in money, materials or labor, to be valued at cash valuation, by disinterested persons, appointed by the parties concerned, and such valuation shall be deemed as so much stock in said company. If the whole extent of said road shall not be taken in labor and materials, the residue may be let out for construction to the lowest bidder at public or private lettings by directors, elected by the stockholders or other authorized agent or agents.

Capital Stock.

SEC. 9. *Be it enacted*, That the capital stock of said company shall be one hundred thousand dollars, with the privilege of increasing the same to an amount sufficient to complete said road, and that said capital stock be divided into shares of fifty dollars each, to be applied in the construction and keeping in repair a turnpike road, beginning at Brownsville, in Haywood county, and extending South-westwardly, in the direction of Raleigh, in Shelby county, and to terminate either at Raleigh or in the vicinity of Raleigh, or at some point on the Memphis and Sommerville Plank road; said road to be laid off by the directors, elected by the stockholders, and the terminus of said road to be fixed by the directors, chosen as aforesaid.

SEC. 10. *Be it enacted*, That when twenty thousand dollars shall be subscribed, a meeting of the stockhold-

ers may be held at such place as said commissioners may appoint, of which due notice shall be given to the subscribers, and when convened may proceed to elect seven directors, who shall be stockholders, and five of whom shall constitute a quorum to do business, to pass by-laws and organize the company and commence the construction of said road, and so soon as five miles of said road shall be completed, the said president and directors shall have the power to erect one toll gate, <sup>Gates.</sup> and for every additional five miles, completed by said company, they may erect an additional gate, at each of which they are authorized to charge and receive the same rates of toll allowed by the Memphis and Somerville plank road company, and it shall not be lawful to open or construct any other road to run parallel to, and so near the said turnpike as materially to injure the same.

SEC. 11. *Be it enacted*, That at the first meeting, each stockholder shall be entitled to one vote for every share of stock subscribed by him. The directors so elected, shall elect one of their number president, one secretary and another treasurer, and it shall be the duty of the president and directors to have said road constructed, and shall have the entire management of the same. They shall hold their offices for one year and until their successors shall be elected, and said election shall be held on the first Saturday in January in each and every year, and it shall be the duty of the president and directors to give at least twenty days notice of the time and place of holding said election, and the stockholders may vote by proxy, when it does not suit their convenience to attend said election in person. <sup>Elections.</sup>

SEC. 12. *Be it enacted*, That for the purpose of making said road and keeping it in repair, the directors or <sup>Damages.</sup> their agents may cut and dig, and take from the lands of any person, within one mile of said road such and so much timber and earth as may be necessary to make and repair the necessary bridges, culverts and embankments on said road, and if any person or persons over whose land said road may pass, or from whose land such materials may be taken, shall desire compensation therefor, and in the event, they cannot settle and agree with the said directors as to the damage done their lands, or the value of such materials so taken, he, she or they may apply to any county or circuit court in the county, where the land lies, and said court, upon such application, shall appoint three disinterested freeholders, whose duty it shall be to estimate the value of such materials, or the damages so occasioned and make

out a report in writing upon oath, to the court, taking into view, always the advantages and disadvantages of said road to said lands; and it shall be the duty of said courts on confirming the report, to give judgment in favor of such applicant against the said company, for the amount of the damages assessed in said report, and shall allow reasonable compensation to said freeholders for their services.

Style of road:

SEC. 13. *Be it enacted*, That said road shall be graded, at least twenty feet wide, with sufficient ditches on either side, to carry off the water and drain the same, with an elevation of not more than three degrees at any point except where the said road crosses Big Hatchee and Loose Hatchee rivers, on said road, and one side of the road to be covered with plank three inches thick and ten feet long.

Penalty for road  
out of repair.

SEC. 14. *Be it enacted*, That should said road not be kept in good repair, for twenty days in succession, it may be lawful for any person to apply to a justice of the peace in the vicinity of the road, and inform him of the condition of the road, and it shall be the duty of said justice of the peace to appoint three disinterested freeholders, to examine said road and to report upon oath, and if they so report or any two of them, that the road is not in good repair as required by this act, the said justice of the peace, shall direct a constable to open the nearest gate and stop the collection of tolls, until the same shall be duly and fully repaired, and the president and directors shall pay the cost of this proceeding; but if it shall appear that the road is in good repair, the case shall be dismissed at the cost of the informant.

Penalty for pass-  
ing gate:

SEC. 15. *Be it enacted*, That if any person shall refuse or neglect to pay the toll hereby granted, but shall pass a toll gate without paying the same, the toll-gatherer may lawfully refuse to such person a passage, and said toll-gatherer may, by warrant from any justice of the peace, recover from such person so refusing, the sum of five dollars, for each such offence, for the use of the company; and if any person shall travel on said road and come near to a toll gate and then turn off the same and go around the gate, and return to said road beyond such gate, for the purpose of avoiding the payment of toll, he shall be subject to the same liabilities as set forth in this section, concerning persons passing such gate and refusing to pay toll.

May transfer  
stock.

SEC. 16. *Be it enacted*, That the stockholders shall have the right to transfer their stock, by sale, gift or otherwise, as they may desire, and the assignee or assignees of said stock so transferred, shall be entitled to

all the rights, privileges and immunities, and subject to all the responsibilities and liabilities of the original members of the company.

Sec. 17. *Be it enacted*, That said company shall not be required to build a bridge across Big Hatchee river, <sup>Ferry</sup> but a good ferry shall be kept up at the point where said road may cross said river.

Sec. 18. *Be it enacted*, That said company shall have power and authority to buy any lands they may deem <sup>May buy lands,</sup> necessary at the various gates for the purpose of building houses thereon, for the toll-gatherer to reside in, and to buy such other lands for timber and other purposes as the interests of the company may require, and to sell and convey the same to purchasers.

Sec. 19. *Be it enacted*, That said company shall have the power and authority to buy any number of slaves <sup>May buy slaves,</sup> they may deem necessary to construct said road, and keep the same in repair, and to sell the same when the interest of the company may demand.

Sec. 20. *Be it further enacted*, That said company shall not have power to erect a toll gate nearer than one and a half miles to the town of Brownsville.

JORDAN STOKES,

*Speaker of the House of Representatives.*

M. R. HILL,

*Speaker of the Senate.*

Passed, December 22, 1852.

## CHAPTER CCLXV.

AN ACT to authorize John C. Vaughn, David Cunningham, David E. Hedgecock and John Prock of Monroe county to open and keep up a Turnpike Road.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That John C. Vaughn, David <sup>Route of road,</sup> Cunningham, David E. Hedgecock and John Prock of Monroe county, be and they are hereby authorized, to open and keep up a turnpike road, commencing at or near David E. Hedgecock's on Spring creek, thence by John Prock's mill, Towee Falls in Monroe county, thence by a place called the Indian Camp, thence through the deep gap in the Unica mountain, thence by the upper broad Shoals-ford to Turtle town in Polk county, so as to intersect a road leading to Blairsville in the state of Georgia; the said road to be located by the proprietors, their heirs or assigns at or near said points, at

their discretion, which road shall be opened sixteen feet wide, when the ground will admit, clear of roots, stumps and other obstructions, and where necessary, shall be causewayed in a good and substantial manner at least ten feet wide.

Style of road.

SEC. 2. *Be it enacted*, That the said road shall be so constructed, as not at any place to exceed six degrees elevation where the ground will admit.

Penalty of road out of order.

SEC. 3. *Be it enacted*, That said road shall be opened and put in complete order, as prescribed by this act, within two years from the passage thereof; and it shall be the duty of said proprietors, their heirs or assigns, to keep said road in good repair, and should the same at any time after collecting toll thereon as herein after provided, be out of repair, for the space of one month together, the proprietors, their heirs or assigns, shall forfeit all the benefits and privileges conferred by this act, and the fact of such failure, to repair said road, shall by the commissioners herein after appointed, be ascertained and determined, and by them reported to the county court of Monroe county, and by the said court be entered of record, when the interest of said proprietors, their heirs or assigns shall cease.

Gate.

SEC. 4. *Be it enacted*, That when said road shall in the opinion of said commissioners, be completed, as by this act required, they shall in writing, authorize said proprietors, their heirs or assigns, to erect a toll gate thereon, at such point as they may think proper.

Rates of toll.

SEC. 5. *Be it enacted*, That the said proprietors, John C Vaughn, David Cunningham, David E Hedgecock, and John Prock, their heirs or assigns, shall have and enjoy the interest herein granted in said road for the term of fifty years and shall be entitled to demand and receive toll, at the following rates, to wit: for each four wheel carriage of burthen, if drawn by four or more horses, mules or oxen, one dollar; if by three, seventy-five cents, and if by two, sixty-two and one half cents, and if drawn by one, fifty cents: for each two wheel carriage of burthen, if drawn by four or more horses, mules or oxen, fifty cents; if by three, forty cents, and by two, thirty-five cents; and if drawn by one, thirty cents; for each single man and horse, twelve and one half cents; for each led or loose horse, mule, or jack not in a drove, six and one fourth cents; for each head of cattle, three cents; and for each head of hogs or sheep, one cent; for each four-wheeled pleasure carriage, with the driver and passengers if drawn by four horses, one dollar; if by three, seventy-five cents; and if drawn by two, fifty cents; and if drawn by one, thirty

cents: *Provided*, That no person or persons, going to, or returning from preaching, mill, blacksmith shop, musters, or to court, shall be liable to pay toll.

SEC. 6. *Be it enacted*, That whenever said road shall be completed, as provided by this act, it shall be received by the commissioners, whose duty it shall be to pass over and review said road, at least once in every three months, and if at any time, the road shall be found out of repair, the commissioners shall order the said toll gate to be set open; and it shall be kept open, until said road shall be put in good repair, and should said proprietors, their heirs or assigns, collect toll from any person during the time said gate shall be ordered to be kept open, as aforesaid, they, their heirs or assigns, shall forfeit and pay the sum of twenty-five dollars, to be recovered by the person or persons injured, before any justice of the peace, in this state, and should any person or persons, arbitrarily pass said gate, or go around the same, within one mile thereof, for the purpose of avoiding the payment of toll, such person or persons so offending, shall forfeit five dollars, to be recovered by the proprietors, their heirs, or assigns, before any justice of the peace in this state.

Penalty for road out of repair,

Penalty for passing gate;

SEC. 7. *Be it enacted*, That the commissioners herein after appointed, before they enter upon the duties required under this act, shall take an oath before some justice of the peace of this state, honestly and faithfully to discharge the duties enjoined by this act.

SEC. 8. *Be it enacted*, That Joseph A. Young, Pleasant M. Ghormley, N. Gurley, of Monroe county; and John Hampton and Joseph Cheak, of Polk county, be appointed commissioners for said road, who shall be entitled to receive one dollar from said proprietors, for each day they may be engaged in the examination of said road.

Commissioners.

SEC. 9. *Be it enacted*, That said proprietors shall have said road measured and mile marks placed, as is required by law upon public roads.

SEC. 10. *Be it enacted*, That the acts of any two of said commissioners appointed under this act, shall be as good and valid as though they were all present and acting.

SEC. 11. *Be it further enacted*, That Dudley E. Brook, S. G. Strother, Charles Payne, William Eatherly, J. S. Mulloy, Charles Yates, John Cook, Richard Randolph, Lemuel Henry, Josephus Armstrong, Leonard Dozier, Vincent Williams, James Woodard, John J. Pope, W. A. Holman, M. Long, A. McIntosh, Mills Taylor, R. A. Benson, J. B. Taylor, J. W. Smith, R. B. Rose, D. W.

Cross Plains and Keokuk turnpike road.

Taylor, W. J. Winn, D. M. Wells, G. B. Mason, J. P. Thompson, Isaac Farmer, J. Lipscomb, H. H. Sugg, M. M. Wall, Coleman Farthing, E. W. Hughes, and Daniel Chapman, of the county of Robertson, be and they are hereby authorized, at such time and place as they may appoint and designate, to proceed to open books, to receive subscription to a turnpike road, commencing on the Louisville turnpike road, at some suitable and convenient point on said road, such as said commissioners may designate, running thence the nearest and most practicable way to the Kentucky line, in the direction of Keysburg, by way of Cross Plains and Barren Plains, or convenient thereto, the way a majority of the commissioners may think most practicable, which turnpike road shall be known as the Cross Plains and Keysburg Turnpike road.

SEC. 12. *Be it enacted*, That the stock in said road shall consist of shares of twenty-five dollars each.

**Incorporation.** SEC. 13. *Be it further enacted*, That when said commissioners, shall have organized by the election of a president and directors, under the same rules and regulations as prescribed in the third section of the Manskoe's creek and Springfield turnpike charter, (except as to the place of meeting which shall be designated by the commissioners) said officers and stockholders are hereby created a body politic and corporate under the name and style of the president and directors of the Cross Plains and Keysburg, turnpike company and in that name may sue and be sued, plead and be impleaded, and may make such by-laws and regulations as shall be necessary to carry out the powers herein given.

**Powers** SEC. 14. *Be it enacted*, That the 4th, 5th, 6th, 7th, 8th, 9th, 10th and 11th sections of the charter of the Manskoe's creek and Springfield turnpike company, be and the same are hereby re-enacted and made part of this charter, except the grade of said road, which shall be within five degrees of a level, and also, that portion of the 8th section, in relation to the commencement of said road, which shall be determined by the commissioners.

**Springfield and Barren Plains, turnpike.** SEC. 15. *Be it enacted*, That Joseph Hardaway, Kinchen Woodard, Robert Green, Richard Rose, G. B. Mason, Richard Farthing, Thomas Stark, Willie Holland, Henry Wells of Robertson county, and such others as may become stockholders, be and they are hereby authorized, at such time and place as they may appoint and designate, to proceed to open books to receive subscription to a turnpike road, from Springfield to the Kentucky line, by way of the Barren Plains, the nearest

and most practicable way a majority of the commissioners may think most practicable, which turnpike road shall be known as the Springfield and Barren plains Turnpike road.

SEC. 16. *Be it enacted*, That when said company shall organize, under the same rules and regulations as provided in the charter of the Cross Plains and Keysburg turnpike company, shall be and they are hereby created a body politic and corporate, under the name and style of the president and directors of the Springfield and Barren plains turnpike company, and in that name may sue and be sued, plead and be impleaded, and may make such by-laws and regulations as shall be necessary to carry out the powers herein given. Powers.

SEC. 17. *Be it enacted*, That all the powers, privileges, benefits and immunities, given to the Cross Plains and Keysburg turnpike company, by virtue of its charter, are hereby given to the Springfield and Barren Plains turnpike company, and that said charter, so far as the same can apply to this company, is hereby enacted for the benefit, government and control of the Springfield and Barren Plains turnpike company, and the same is hereby declared to be a part of its charter.

SEC. 18. *Be it enacted*, That, S. D. Bowers, David Porter, Thomas Porter, Thomas Krisle, M. Krisle, John Cauts, Willie Woodard, Amos Moore, Jesse True, Benjamin Porter, David Henry, Miles Baird, and T. Harris, of Robertson county, and such others as may become stockholders, be and they are hereby authorized, at such time and place as they may appoint and designate to proceed to open books to receive subscription to a turnpike road, from Springfield to Cross Plains, for to intersect with any road leading from Cross Plains to the Kentucky line in the direction of Keysburg, at such point as the commissioners, or a majority of them may designate, as the most practicable, which turnpike road shall be known as the Springfield and Cross Plains Turnpike road. Springfield and  
Cross plains turn-  
pike road

SEC. 19. *Be it enacted*, That when said company shall have organized, under the same rules, regulations and restrictions, as prescribed in the charter of the Cross Plains and Keysburg turnpike company, it shall be and they are hereby created, a body politic and corporate, under the name and style of the president and directors of the Springfield and Cross Plains turnpike company, and in that name may sue and be sued, plead and be impleaded, and may make such by-laws and regulations as shall be necessary to carry out the powers herein given. Powers.

SEC. 20. *Be it further enacted*, That the charter of the Cross Plains and Keysburg turnpike company, so far as the same can apply to this company, be and the same is hereby enacted and adopted, for the benefit, government, and control of this company in as full and ample a manner, as if the same were here specially set forth.

JORDAN STOKES,  
*Speaker of the House of Representatives.*  
 M. R. HILL,  
*Speaker of the Senate.*

Passed, January 20, 1852.

## CHAPTER CCXLXVI.

AN ACT to charter the Clarksville and Rook's Ferry Road, and for other purposes.

INCORPORATION. SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That William M. Stuart, William M. Shelton, John Stacker, James Quarles and Robert W. McClure, be and the same are hereby created a corporation, for the purpose of building a McAdamised or Plank Road, from a point, on or near the Charlotte road, in Montgomery county, where the corporation line of the city of Clarksville crosses the said road, to a point at or near Rook's Ferry, or in the direction to said ferry, a distance of two or three miles, and shall keep the same open and in good repair, and shall be authorized to erect one toll gate at any convenient point on the same, and shall be authorized to charge and collect at said gate one-half the toll that is allowed by law, under an act of the General Assembly of the State of Tennessee, passed 7th of February, 1850.

CAPITAL STOCK. SEC. 2. *Be it enacted*, That the said corporation shall be styled the Clarksville and Rook's Ferry Turnpike, and under that name shall sue and be sued, and have every other power that is incident to a corporation; that they shall have power to lay out said road, and contract for the building of the same. Said company shall open books in Clarksville for subscription to the capital stock of said company, which shall be ten thousand dollars, and shall keep the same open as long as necessary to effect the object.

POWERS AND PRIVILEGES. SEC. 3. *Be it enacted*, That the said company shall have all the powers and privileges, and be under all the

liabilities and disabilities of the Clarksville and Russellville Turnpike Company.

SEC. 4. *Be it enacted*, That W. H. Drane, Decatur M. Clarksville and Kentucky Turnpike Company, Duvil, James Trice, Henry F. Beaumont and James O. Shackelford, are hereby created a corporation for the purpose of building a McAdamized Turnpike Road, from the main street, in Clarksville, or from the North Fork of Red river, where the lower Red river bridge crosses said stream, in the direction towards Hopkinsville, in Kentucky, a distance of five miles; that they shall keep the same in good order and repair, and shall be authorized to erect one toll gate on the same, at any point most convenient for the company, and shall be authorized to charge and collect at said toll gate the same tolls that are authorized to be charged under an act of the General Assembly of the State of Tennessee, passed 7th February, 1850.

SEC. 5. *Be it enacted*, That said company are hereby authorized to continue said turnpike to the Kentucky State line, if they desire so to do, and that if the distance shall not be as great as five miles, that they shall have the privilege of erecting a toll gate on the same, and shall charge toll in proportion to the distance, making the act of 7th February, standard of the rate.

SEC. 6. *Be it enacted*, That the said corporation shall be styled the Clarksville and Kentucky Turnpike Company, and under that name and style, shall sue and be sued, and have every other power that is incident to a corporation; that they shall have power to lay out said road, and contract for the building of the same, and that said company shall have all the powers, and be under the same liabilities and restrictions, and disabilities of the Clarksville and Russellville Turnpike Company, and that it shall have five years to commence and finish said road. Said company shall open books for subscription to the capital stock of said company in Clarksville, which shall be forty thousand dollars, and shall keep open the same as long as necessary to effect the object.

SEC. 7. *Be it further enacted*, That after the stock is taken, or as much as is necessary to build said road, or five miles thereof, the company shall proceed to elect directors for said road, and shall proceed to build the same.

SEC. 8. *Be it enacted*, That Thomas O. Butler, John J. Jarrett, Wm. B. Lillard, Thomas J. B. Turner, B W. Henry, Wm. Spence, Wm. Ledbetter, Francis Jackson, and Chesley Williams, be appointed commissioners of the Murfreesboro' and Nashville Turnpike Road, char-

tered by the act of the 1st of February, 1848, and which shall be known hereafter as the Salem Turnpike Road, to receive subscriptions of stock in said road, and to lay off and locate the same.

**Style of Road.** SEC. 9. *Be it enacted*, That said road shall commence at the Murfreesboro' depot, and shall be made in all respects equal to the Nashville, Murfreesboro' and Shelbyville Turnpike Road, as far as Salem, which is hereby made a point in the same; that said road may be constructed, should the amount of subscription justify it, from Salem, in the direction of Columbia, either by Versailles or Eagleville, as the said commissioners may determine, and this part of the road may be made a second class turnpike road.

**Gates.** SEC. 10. *Be it enacted*, That as soon as five miles of the road shall be completed, one gate may be erected, and for every additional five miles of the road, when completed, an additional gate may be erected; the rate of tolls shall be the same as are allowed by law to the Nashville, Murfreesboro' and Shelbyville Turnpike Road. That the stockholders shall have the privilege of paying their subscriptions of stock in work upon the road. *Provided*, That they will do it as low as any other person or persons.

**Time to commence.** SEC. 11. *Be it enacted*, That two years shall be allowed to commence the work, and the stockholders shall have power at any time, upon due notice being given, to call a meeting for the election of seven directors to manage the affairs of said company, who shall continue in office for two years, and until their successors are elected, and until such election takes place, a majority of said commissioners shall have power to act in all cases whatever.

**Upper Gallatin and Steam-mill Turnpike.** SEC. 12. *Be it enacted*, That Darby Cantrell, Hugh Kirkpatrick, William Utley, Levi Baker, Thomas Powell, Jr., Jackson C. Byres, King Luton, John Freeman and John W. Baker, of the counties of Sumner and Davidson, be, and they are hereby authorized, at such time and place as they may appoint, to proceed to open books to receive subscription to a turnpike road, commencing in the county of Sumner, in the Upper Gallatin Turnpike, some where between the bridges across Mansker's creek and Madison's creek; running thence up Mansker's creek to Baker's steam mill, on said creek, the nearest and most practicable route; which turnpike shall be known as the Upper Gallatin and Steam-mill Turnpike Road.

SEC. 13. *Be it enacted*, That the stock in said road shall consist of twenty-five dollars for each share, and

so soon as twenty-five hundred dollars is subscribed in money, or work to be done at cash price, any three or more of said commissioners shall call a meeting of said stockholders in said road, at Walton's meeting-house, by giving ten days notice of the time and place. The subscribers for stock in said road, shall elect seven directors, one of whom shall be president, who shall hold their offices for two years, and until their successors are appointed. Capital Stock.

SEC. 14. *Be it enacted*, That the president and directors may, in such manner as they think best, solicit and procure additional subscription for stock, and shall either, by themselves, or some competent person or persons appointed by them, mark, locate and lay out said road on the nearest and most practicable route, doing as little damage to enclosures as circumstances will admit. And when said company and landholders cannot agree as to damages, said landholders and said company shall choose two disinterested freeholders to assess the damage, together with the benefits; in the event they cannot agree, they shall choose the third person, who shall give the casting vote, and such damages shall be collectable before any justice of the peace having jurisdiction over the same. Damages.

SEC. 15. *Be it enacted*, That the said president and directors shall have power to let out and put under contract said road, in parcels, great or small, as they may think best, to contractors for cash or stock in said road.

SEC. 16. *Be it enacted*, That the said president and directors shall cause the road to be graded twenty-five feet wide, and within five degrees of a level, and covered with small stone or gravel eighteen feet wide and ten inches thick in the center and five at the sides, with suitable ditches, drains, bridges and culverts to carry off the water. Style of road.

SEC. 17. *Be it enacted*, That the said president and directors shall be, and they are hereby made a body politic and corporate, may sue and be sued, by and in the name of the Upper Gallatin and Steam-mill Turnpike Company.

SEC. 18. *Be it enacted*, That said company may erect a gate, and charge and receive toll so soon as they shall have completed five miles of said road; said road to be continued to Clarksville, so soon as the stock can be raised. Said company are to commence and prosecute to completion said road or five miles of it within three years. Gate.

SEC. 19. *Be it enacted*, That the said company may de-

Toll.

mand and receive the same rates of toll that the Nolensville Turnpike Company receive by law.

Beans Station  
Turnpike road.

SEC. 20. *Be it enacted*, That the commissioners of the Beans Station Turnpike Road may apply upon the new South Road, between John Maze's, and near Norristown, one-half the amount of money usually applied annually upon that part of said Beans Station Turnpike Road, situated between John Maze's and the Cross Roads. *Provided*, They do not apply more than half the amount heretofore annually applied to that part of said road from Maze's to the Cross Roads. *And provided further*, That all persons living on, and near said road, be required to come under the same rules and regulations as to working said road as are required by law of those living on Beans Station Turnpike Road.

New Providence.

SEC. 21. *Be it further enacted*, That the 5th section of an act, passed on the 4th of February, 1848, incorporating the town of New Providence, in Montgomery county, be and the same is hereby repealed.

Clarksville  
and Hopkinsville  
Turnpike Road.

SEC. 22. *Be it further enacted*, That the Clarksville and Hopkinsville Turnpike Company shall have the power to erect a gate on said road, at any point on the first five miles of said road from Clarksville, most convenient to the company; to charge tolls at the same rates as provided under the act of 7th February, 1850.

Tolls.

SEC. 23. *Be it further enacted*, That the Clarksville and Hopkinsville Turnpike Company, organized under an act to authorize the formation of turnpike companies, passed on the 7th February, 1850, shall have the power, in case said road between Clarksville and the Kentucky State line, shall be over five miles and under ten, to erect one toll gate on that portion of said road, lying between the limits of the first five miles and the Kentucky line, and shall charge tolls on the same, in proportion to the distance, the tolls being graduated under the act, passed on the 7th February, 1850.

JORDAN STOKES,

*Speaker of the House of Representatives.*

M. R. HILL,

*Speaker of the Senate.*

Passed, February 26, 1852.

## CHAPTER CCLXVII.

AN ACT to incorporate a company, to be called the Clinton Turnpike Company,  
and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That James Ross, John Jarnagin, John Whitson, and Milton Tate, of Anderson county; Commissioners. Thomas Weir, Robert Morrow, James Williams, James Cooper and John Kincaid, of Campbell county; C. H. Coffin; J. L. King and C. Wallace, of Knox county, are hereby appointed commissioners to open books for the purpose of receiving subscriptions to the amount of two hundred thousand dollars to be applied to the construction of a turnpike road from Knoxville to the Kentucky line, through Clinton and Jacksboro, which sum shall be divided into shares of twenty-five dollars each. As soon as ten thousand dollars shall be subscribed, a meeting of the stockholders shall be held at Clinton, of which meeting the managers of the subscription shall give notice in some newspaper printed in Knoxville. After which meeting of the stockholders, the subscribers shall be, and they are hereby constituted a body politic and corporate, by the name of the Clinton Turnpike Company, and together with those who may afterwards subscribe for and purchase stock, shall so continue; may own, sell and buy property, and have and enjoy, and possess all the rights, privileges and powers appertaining to bodies corporate and politic by law, and shall have succession for ninety-nine years. The subscribers, or a majority of them, being present at the first meeting shall elect nine directors, who shall elect Election. one of their number president, and the president and directors, thus chosen, shall continue in office two years, and until another election shall take place, of which election notice shall be given in a newspaper printed in Knoxville. The president and directors shall have power to open books and receive subscriptions for the remainder of the stock to construct said road.

SEC. 2. *Be it enacted*, That it shall be the duty of the aforesaid commissioners, or any two of them, to open Open Books. books for subscriptions at the county seats, on the first Monday of August next, after the passage of this act, and shall keep said books open for subscriptions for ten days successively, and longer if necessary, until ten thousand dollars are subscribed, except the State aid.

SEC. 3. *Be it enacted*, That each subscriber shall, at the time of making his or her subscription, pay to the

commissioners aforesaid, one dollar on each share so subscribed.

Powers, &c.

SEC. 4. *Be it enacted*, That said commissioners of said Clinton Turnpike Company, and the president and directors thereof, shall have and enjoy all the rights, privileges and powers, and be restricted by the same rules and regulations in the construction of said road, erecting toll-gates, and receiving tolls, and all things else necessary therefor, and the government of said company, as may be applicable to the same, as were conferred upon and govern the Lebanon and Nashville Turnpike Company by act, passed 12th February, 1836.

Knoxville Foundry Road.

SEC. 5. *Be it further enacted*, That M. Williams and Gideon M. Hazen, of the county of Knox, and Richard Oliver, of the county of Anderson, be, and they are hereby authorized to open books for the subscription of stock, in shares of twenty-five dollars each, for the construction of a road from the city of Knoxville, passing Middlebrook to some point in the county of Anderson, not further than five miles from the residence of said Oliver; the precise point of this terminus to be located by the directors hereinafter provided for, to be elected at some of the coal banks. The books may be opened when, and kept open as long as said commissioners may choose, until the sum of ten thousand dollars shall have been subscribed in good bona fide stock, and so soon as said sum of ten thousand dollars shall have been subscribed, it shall be the duty of the commissioners to call the stockholders together by advertisement in some newspaper in Knoxville, who shall proceed to elect three directors, of whom one shall be elected president by said directors, and said president and directors, and stockholders, shall be a body politic and corporate, by the name and style of "Knoxville Foundry Road," capable of suing and being sued, and have succession one hundred and fifty years.

Powers.

SEC. 6. *Be it enacted*, That said president and directors may make all by-laws and rules necessary for the government of said company, including the term of office of the president and directors, and such other officers and agents as it may be necessary to employ, and said president and directors may construct said road as a McAdamized or Plank road, as they may elect, and said company shall have all the rights, privileges and immunities, and be subject to all the liabilities and duties of the Lebanon and Nashville Turnpike Company, conferred by act, passed February 12th, 1836.

Capital Stock.

SEC. 7. *Be it enacted*, That the capital stock of said company shall be thirty thousand dollars, subject to be

increased or diminished by the president and directors of said company.

SEC. 8. *Be it enacted*, That each subscriber of stock shall be required to pay two dollars on each share of stock by him subscribed, at the time of subscribing, or such subscription shall be null and void; and in the event it shall be necessary for the president and directors to open books for subscription of stock, they are hereby vested with the authority to do so at their pleasure.

SEC. 9. *Be it enacted*, That said company shall have the privilege of intersecting any road that has heretofore been or may hereafter be chartered from Knoxville, running northward, and that any road heretofore chartered, or which may hereafter be chartered from Knoxville, running in the same direction, shall be privileged to intersect the Knoxville Foundry Road, and said last mentioned company may contract with any other company, and agree to construct on such terms as will promote their common interest, the stem common to both, from Knoxville to the point of divergence. May intersect other roads.

SEC. 10. *Be it enacted*, That said company shall not establish a gate for the collection of tolls nearer than one and a half miles of either terminus of the road, and shall not be allowed on the said road, more than one gate for every five miles. Gates.

SEC. 11. *Be it enacted*, That Robert B. Castleman, Eugene Underwood, John McIntosh, Alexander Allison and F. K. Zollicoffer, are hereby appointed commissioners to open books for the subscription of stock, in a company to be known and designated as the Nashville Coal Company, the object of which is, to mine coal and manufacture lumber, and deliver and sell the same at Nashville, or elsewhere, along the Cumberland river, and those rivers of which it is a tributary. The said commissioners are authorized to open books for subscription of stock, at such times and places as they deem proper, and the owners of shares thus subscribed, shall be, and the same are hereby created a body politic and corporate, under the name and style aforesaid; they may have perpetual succession, may sue and be sued, may contract and be contracted with, may have a common seal, may purchase and hold such real and personal estate as they may deem necessary for carrying on the business of the corporation, and the same sell or dispose of at pleasure, and may make all needful by-laws for their government, not inconsistent with the laws of the State, or of the United States. Nashville Coal Company.

SEC. 12. *Be it enacted*, That the capital stock of said

**Capital Stock.** company shall consist of one thousand shares, of fifty dollars each, with the privilege of increasing the same, if necessary, to five thousand shares.

**Powers and privileges.** SEC. 13. *Be it enacted,* That the affairs of said company shall be managed by a president and five directors, to be chosen by the stockholders, when twenty thousand dollars shall have been subscribed, who shall be stockholders and citizens of Tennessee, and shall hold their office for one year, and until their successors are elected; each stockholder shall be entitled to one vote for each share of stock owned by him, and vote in person or by proxy; said president and directors shall elect a secretary, to keep the books of the company, and appoint such other officers and agents as they may deem proper, making such compensation as they may deem fit and just. Three directors may constitute a quorum to do business. Dividends may be declared annually, at which time the president and directors shall make out and submit to the stockholders a full and fair report of the transactions and affairs of the company. If any subscriber for stock shall fail to pay any part of his stock, the same may be recovered by action of debt, in any court of record, or declared to be forfeited, as the board of directors may prescribe.

**Franklin Mining and Manufacturing Company.** SEC. 14. *Be it further enacted,* That Robert Farquharson, of the county of Lincoln; Jesse Arledge and G. W. White, of Franklin county, and their associates, and such as may hereafter become associated with them, are hereby created a body corporate and politic, by the name and style of the Franklin Mining and Manufacturing Company, which company shall and have enjoy all the rights, powers and privileges, and be subject to all the liabilities and restrictions prescribed by an act, passed January 23d, 1852, entitled "an act to incorporate the Tullahoma Mining and Manufacturing Company, and for other purposes," except where the words ten thousand shares occur, in the second section, substitute one thousand shares; and wherever, in said charter, the number of shares or the amount of capital is mentioned in said charter, the same shall be modified in this company according to the amount of capital herein authorized.

**Chattanooga Wharf Company.** SEC. 15. WHEREAS, Charles E. Greenville, Henry W. Massengale, James C. Avery, John S. Davidson, Jos. H. Mackie and Vernon K. Stevenson, have become proprietors of certain lots or parcels of ground on Tennessee river, between Front street and said river, and have built and are erecting thereon ranges of wharves, and have formed an association, called the Chattanooga

**Wharf Company:** *Be it therefore further enacted,* That the persons above named shall be, and they are hereby declared to be a body corporate, under the name and style of the Chattanooga Wharf Company, and they and their successors, heirs and assigns, shall have full power, to act as a body corporate, and to pass such by-laws, for the government of said company, as they shall deem proper, not inconsistent with the laws of this State and of the United States, or the ordinances of the city of Chattanooga, and the fundamental articles of agreement made and entered into by and with the persons aforesaid, and that said persons shall have power to sue and be sued, &c., in their said corporate character in any court of law in this State.

**Sec. 16.** *Be it enacted,* That the said company shall have power to charge such wharfage upon all goods, wares or merchandize, cotton or other articles as established by the mayor and aldermen of the city of Chattanooga, which may be shipped from or landed upon their wharves, and in any suit which may be instituted to recover the same, a sworn copy of the bill of lading or freight bill, attested by the regular officers of the boat or barge upon which the same may be shipped, shall be prima facie evidence in favor of the plaintiffs' demand. *Provided,* That nothing shall be construed as to prevent either party from a further and more formal legal examination of such witness, if he or they shall think fit. Wharfage.

**Sec. 17.** *Be it enacted,* That when any person shall refuse to pay wharfage for any cotton, goods, wares or merchandize, or other articles shipped from or landed upon the wharves of the said company, the said company shall, upon oath being made to the correctness of the account for wharfage by the wharfingers or other officer of said company, be authorized and empowered to seize, hold and detain a quantity of the cotton, goods, wares, merchandize or other article of such person or persons, so refusing to settle, as shall be sufficient to pay the amount due, and shall also have power to sell the same at auction, and appropriate the same to the purpose aforesaid. *Provided,* That due notice be given to the owner or owners thereof of such sale. *And provided,* That the person claiming the same, shall have the right to replace the same, by giving bond and security, as in cases of rent. Right to distrain

**Sec. 18.** *Be it enacted,* That in all cases, the person or persons shipping cotton, goods, wares or merchandize, or other articles, from off the wharves of the said company, the person or persons to whom the like arti- Consignees

cles shall be consigned, when the same are landed upon said wharves, shall be liable for the wharfage thereon.

**SEC. 19.** *Be it enacted,* That each and every steam boat or barge shall pay to said company, such sum as may be fixed by the corporation of Chattanooga, for each time she may land at said wharf, which sum said company shall have power to collect by attachment against such boat or barge, in any court having competent jurisdiction in said State, and the said boat or barge shall be liable therefor. *Provided,* That said sum shall and may be discharged by a delivery to the wharfinger or other agent of said company, of a certified copy from under the hand of the proper officer of such boat or barge, of the freight bills, or manifest of such boat or barge, both of her freight up and freight down, so as to enable said company to ascertain and charge the wharfage to the person or persons liable for the same, as hereinbefore pointed out. *Provided;* This act of incorporation shall not, in any manner, effect the title to said wharf, or the lots or land upon which the same is erected or may be erected.

**JORDAN STOKES,**

*Speaker of the House of Representatives.*

**M. R. HILL,**

*Speaker of the Senate.*

**Passed, February 24, 1852.**

## CHAPTER CCLXVIII.

AN ACT to authorize Julian F. Scott, William J. Scott, Columbus C. Scott, John Golston and Charles L. Keon, to open a turnpike road from some point east of Montgomery, to run south, on the most practicable ground, to cross Big Emery's river at or near George Parks' ferry, thence to the Big Tennessee river at some suitable point and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Julian F. Scott, William J. Scott, Columbus C. Scott, John Golston, and Charles L. Keon, be and they are hereby authorized to open and locate a turnpike road, beginning in Morgan county on the east side of Montgomery, on Scott's turnpike road, running south from said beginning on the best and most practicable ground, and in the nearest direction that is suitable, to Big Emery's river at or near George Parks' ferry on said river, thence south on the most suitable route to big Tennessee river, striking that river at some suitable point for a ferry, all of said route to be in the direction of Athens, in McMinn county; said road is to be sixteen feet wide, clear of stumps and runners, and obstructions of every kind, to be causwayed at all places where needed, and all water courses to be bridged with good substantial bridges; said bridges to be banistered with strong banistering, and on the sides of the ridges where it is impracticable to make said road sixteen feet wide, it may be made twelve feet wide, if the commissioners consider the location to require it. No elevation in said road shall exceed seven degrees. Route and style of road.

SEC. 2. *Be it enacted*, That said road shall always be kept in repair, and if it shall be permitted to remain out of repair for the space of twenty days at any one time, then it shall be the duty of the commissioners hereinafter appointed by this act to set said proprietors' gate open and keep the same open until said road shall be put in good repair, to be adjudged by said commissioners; and if said proprietors shall, either directly or indirectly, take or receive any toll during the time said commissioners set said gate open, said proprietors, for every such offence shall forfeit and pay the sum of twenty-five dollars, to be recovered by action of debt before any acting justice of the peace, having jurisdiction of the same, by any person who shall sue for the same, and if said road shall be permitted to remain out of repair for the space of six months at any one time after the commissioners have set the gate open, said charter shall be forfeited. Penalty for being out of repair.

SEC. 3. *Be it enacted*, That Jesse Cole and Albert Hurt, of Morgan county, and John Roberts and William Margraves, of Roane county, are hereby appoint-

Tolls.

ed commissioners of said road, whose duty it shall be when the proprietors notify them that said road is completed for use, to examine said road, and if said road is, in their judgment, in the order contemplated by this act, they shall proceed to license said proprietors to keep a toll gate upon said road in Morgan county, which license shall be under their hands and seals, and thereupon said proprietors may proceed to erect a toll gate upon said road, and shall be entitled to receive the following rates of toll, to wit: All wagons, loaded, drawn by six horses, oxen or mules, seventy-five cents; wagon drawn by five horses, sixty cents; by four horses, forty cents; all empty wagons, drawn by the above stock, half price: for carts with oxen twenty cents, all carts the same, with either mules, horses or oxen; for each four wheel pleasure carriage, forty cents; for two wheel pleasure carriages, twenty cents; for each man and horse, ten cents; for each horse or mule not in a drove, five cents; for each horse, mule, or drove cattle, three cents; for each hog or sheep, one cent; that may travel through said gate.

Commissioners.

SEC. 4. *Be it enacted*, That the commissioners herein appointed by this act, shall, before entering upon the duties of their appointment, take and subscribe to the following oath, to wit: "I do solemnly swear, I will well and truly perform the duties enjoined on me by this act according to the best of my knowledge and ability, so help me God," and said commissioners shall be entitled to receive two dollars per day for the time they are engaged in performing the duties enjoined on them by this act, to be paid by the proprietors of said road.

Penalty for passing gate.

SEC. 5. *Be it enacted*, That if any person or persons shall pass said gate arbitrarily or within one mile thereof for the purpose of evading said toll, such person or persons shall for every such offence, forfeit and pay five dollars to the proprietors of said gate, to be recovered before any justice of the peace in the state.

SEC. 6. *Be it enacted*, That the said proprietors shall be entitled to hold and enjoy the privileges of this charter for ninety years, and have two years from the passage of this act to complete said road.

SEC. 7. *Be it enacted*, That the proprietors are to have but one gate on said road.

Exemption from toll.

SEC. 8. *Be it enacted*, That the citizens of Morgan and Roane counties shall be exempt from paying toll on said road, going to mill, to muster, to church, to black smith shops, taking stock in or out of the mountain: all horsemen from the aforesaid counties, shall be permitted to go through said gate free of toll.

Sec. 9. *Be it enacted*, That nothing in the above recited act shall be so construed as to authorize the proprietors to interfere with the vested rights of any person or persons on said route.

Sec. 10. *Be it enacted*, That the proprietors of said road shall keep the gate as near the line between the aforesaid counties as practicable; that the commissioners from each county may attend to that portion of the road in their own county.

Sec. 11. *Be it enacted*, That a body politic and corporate is hereby constituted by the name and style of the Louisville, Henry and Gibson Railroad Company, to construct a railroad from some point in Gibson county to some point in the State line between Tennessee and Kentucky, in Henry county, in the direction of Louisville, which company shall have all the powers and privileges, and be subject to all the restrictions and liabilities contained in the charter of the Nashville and Northwestern Railroad Company. *Provided*, That the governor shall issue no bonds of the State of Tennessee to the company hereby constituted.

Sec. 12. *Be it enacted*, That John A. Talliaferro, N. J. Heiss, John W. Elder, M. M. Houston, G. W. Shank, John A. Chambers, John H. Dunlap, John W. Blanton, John Swain, T. A. Bruce, William H. Thompson and James Courier, be, and they are hereby constituted a board of commissioners to manage all the affairs of said company, until it shall be organized by the election of a board of president and directors, with all the powers of the commissioners mentioned in the charter of the Nashville and Northwestern Railroad Company, and they shall have power to open, or cause to be opened, books for the subscription of stock in the company, at such times and places as they may deem proper.

Sec. 18. *Be it enacted*, That for the purpose of opening and establishing a cheap, easy and speedy communication between Kentucky and East Tennessee, and to promote and increase trade and travel from the State of Kentucky, and intervening country, between the aforesaid State and the line of the E. Tennessee and Virginia Railroad, the formation of a company is hereby authorized, which, when formed, shall be a body corporate and politic, by the name of the East Tennessee and Kentucky McAdamized or Plank Road Company, and by said corporate name shall be capable in law, to purchase, receive by gift, hold, sell, and convey real and personal estate, in the same manner, that the East Tennessee and Virginia Railroad Company, is by act of incorporation, passed January 27th, 1848, authorized to

do; make contracts, sue and be sued, to make by-laws, and perform all legal acts, properly incident to a corporation, and necessary and proper to transact the business for which it is created, and to have and to use a common seal, and the same to alter and destroy at its pleasure, and shall have perpetual succession of its members.

Capital Stock.

SEC. 14. *Be it enacted*, That books for subscription of five thousand shares of the capital stock of said company, of twenty-five dollars each, shall be opened on the first Monday of May, 1852, and shall be kept open for thirty days, between ten o'clock in the forenoon, and four o'clock in the afternoon, of each business day, at the following places, and by the following commissioners, to wit:

Commissioners.

At Cedar Creek, at the residence of Wm. M. Barton, in the county of Grainger, by Hardin P. Shannon, Wm. M. Barton, James M. Shannon, Joseph Shannon, Geo. Evans, Marvel Arnett, Bartley Magee, Jonathan Moorelock, and John Rice.

At Springvale, in the county of Jefferson, by Wm. McFarland, Rufus J. Kidwell, Robert H. Magee, Jacob M. Bewley and Guy S. Ellis.

At Marshall's Ferry Paper Mill, in the county of Grainger, by Milton Shields, Wm. C. Scruggs, James Shields, Joseph W. Patterson, John Easterly, Wm. P. Long, and Hugh O. Taylor.

At Bean's Station, in the county of Grainger, by Samuel Gill, James T. Shields, Wm. Williams, S. S. Shipley, Larkin Johnson, James Lafferty and William Murray.

At Thornhill, in the county of Grainger, by Andrew McGinnis, Pryor Jennings, Thomas Lathum, Anderson Dalton, Henry Hipshear, Green Bundren, and Hamilton Evans.

At Sycamore, in the county of Claiborne, by Jacob Shultz, Geo. H. Cheek, Isaac Miller, Wm. Smith and Hugh Jones.

At Tazewell, in the county of Claiborne, by William Houston, Hugh Graham, J. M. Kelly, Wm. Neil, John Easley, Lewis A. Garrett, William Kirkpatrick, Thos. J. Johnson, Hugh Houston, J. S. M. Dickinson and W. R. Evans.

At Cumberland Gap, in the county of Claiborne, by Daniel Huff, McHenry, James Patterson and Portect.

Open Books.

SEC. 15. *Be it enacted*, That said commissioners, or a majority of them, at each of the places aforesaid, shall receive subscriptions for stock in said road, during the

time the said books are directed to be kept open, and as soon as the sum of ten thousand dollars of the stock of said road shall have been subscribed, it shall be the duty of the commissioners of said road to advertise in some newspaper, published in Knoxville, giving twenty days notice, stating the time the stockholders of said company will meet, at Bean's Station, for the purpose of electing seven directors, for the management of the affairs of said company, all of whom shall be stockholders, and one of whom shall be president of the board of directors.

Sec. 16. *Be it enacted*, That the business of said company shall be managed by the president and directors, any five of whom shall constitute a board to do business, who shall hold their office for the space of one year next succeeding their election, and until their successors are elected and qualified; and should any vacancy occur in said board, by death, resignation or removal, the remaining directors, or a majority of them, shall have power to fill said vacancy. Officers.

Sec. 17. *Be it enacted*, That after the organization of said board of directors, as hereinbefore prescribed, the East Tennessee and Kentucky McAdamized or Plank Road Company shall be considered as formed, and thenceforth and from the day of closing the books of subscription, and the organization of the board of directors as aforesaid, the said subscribers to the stock of said company shall form a body politic and corporate, in deed and in law, by the name and for the purpose aforesaid. Incorporation.

Sec. 18. *Be it enacted*, That said president and directors, so soon as organized, may proceed to survey the route for said road, and to make an estimate of its cost of construction. The said road shall commence at Cedar creek, at the residence of Wm. M. Barton, immediately on the line of the East Tennessee and Virginia Railroad, and thence north, as near the line of what is called the Kentucky Road as practicable, and by Marshall's Ferry Paper Mill, and cross Holston river, at or near Marshall's Ferry, at the best point for that purpose, and thence with the line of the Bean's Station turnpike, or as near it as practicable to Bean's Station, across Clinch mountain, at its gap, near Bean's Station, and from thence along the line of said turnpike to H. Evans' bridge on Clinch river, crossing said river at or near said bridge, and along said turnpike to Tazewell, and from thence to Powell's river, and cross said river, at or near McHenry's bridge, and from thence, the best route along the line of said turnpike to Cumberland Gap, to Route of road.

the Kentucky line. The said board of directors shall be required to locate said road, on the best, cheapest and most practicable route, upon or as near the line of the Bean's Station turnpike as practicable, and the said board of directors are authorized to use the Bean Station Turnpike, whenever advisable, and constitute it the route of the East Tennessee and Kentucky McAdamized or Plank Road.

**SEC. 19.** *Be it enacted,* That said road shall be constructed upon the plan, and in the same manner as the Nashville and Lebanon, and the Lebanon and Sparta McAdamized turnpike roads, and that the same rates of toll shall be adopted and required, and the same number of toll gates be erected, as upon said Nashville and Lebanon turnpike road, and the act of incorporation, chartering that company, shall be made a part of this act, and shall be adopted and enforced, so far as it applies to the East Tennessee and Kentucky McAdamized or Plank Road aforesaid.

**SEC. 20.** *Be it enacted,* That said road shall be commenced at Cedar creek, at its terminus on the East Tennessee and Virginia Railroad, whenever the board of directors see proper to make a contract for that purpose, and said directors are authorized to make such contracts for work on said road, as they may deem advisable.

**SEC. 21.** *Be it enacted,* That if it should be deemed advisable, by the board of directors of said road, to construct a plank road, that they shall have power and authority to do so, and if they should decide to build said plank road, that it shall be constructed in the best manner, and equal to the best plank road in the country. And the board of directors may construct said road in such manner, that it may hereafter, if they see proper, convert it into a railroad, and they shall have full power and authority, at any future time to construct a railroad upon said route, with all the privileges, immunities and restrictions incident to the East Tennessee and Virginia Railroad.

**SEC. 22.** *Be it enacted,* That after the route of said East Tennessee and Kentucky McAdamized or Plank Road, subject to be converted, at any time, into a railroad, at the discretion of the directors, shall have been accurately surveyed and adopted, it shall not be lawful for any other road of a similar character and description to be built, cut or constructed in any way or manner, or by any authority whatever, running laterally within twenty miles of the route so adopted, unless by

said company, or with the consent of the board of directors thereof for the time being.

SEC. 23. *Be it enacted*, That the directors of such road are hereby authorized to extend said road from the terminus at Cedar creek, on the East Tennessee and Virginia Railroad, in a southern direction, upon the best route to Parrottsville, in the county of Cocke, and construct it in like manner, so that it may be converted into a railroad, at the discretion of the said directors. *Provided*, That the road from Cedar creek to Cumberland Gap shall first be built, and the directors may construct a portion of it, commencing at Cedar creek, and proceed north, and erect toll gates as soon as completed, as hereinbefore mentioned, and continue thus until the whole road is finally completed. May extend road South.

SEC. 24. *Be it enacted*, That the capital stock of this company shall be one hundred and twenty-five thousand dollars, in shares of twenty-five dollars each, and in all elections for directors of said company, no person but a citizen of the United States, and being a bona fide stockholder in his own right, of ten shares, shall be a president or director of said company, and the said directors shall have the power to increase or diminish the amount of the capital stock of said company, as they may deem expedient. Capital Stock.

SEC. 25. *Be it enacted*, That sections 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30 and 31, of the act, entitled "an act to incorporate the East Tennessee and Virginia Railroad Company," passed January 27, 1848, be, and the same is hereby declared a part of this act, incorporating the said East Tennessee and Kentucky McAdamized or Plank Road, in relation to the matter and things therein mentioned, so far as applicable to the same. *Provided*, That nothing contained in this act shall be so construed as to grant any aid from the State in constructing either of said roads. Powers

JORDAN STOKES,

*Speaker of the House of Representatives.*

M. R. HILL,

*Speaker of the Senate.*

Passed, February 26, 1852.

## CHAPTER CCLXIX.

AN ACT to charter the Southwestern Railroad Company, and for other purposes.

**Incorporation.** SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That a body politic and corporate is hereby constituted, by the name and style of the Southwestern railroad company, for the purpose of constructing a railroad from Danville, in the State of Kentucky, to connect with the McMinnville and Manchester Railroad, and said company shall have and enjoy all the rights, powers and privileges, and be subject to all the liabilities and restrictions prescribed in the charter of the Nashville and Chattanooga Railroad Company, and in the various amendments thereto, except as herein further provided.

**Capital Stock.** SEC. 2. *Be it enacted,* That the capital stock of said company shall be one million of dollars, to be divided into shares of twenty-five dollars each, and the company shall have power to increase the capital stock to three millions of dollars; and whenever five thousand shares of the capital stock are subscribed for, said company may organize by the election of a board of directors, who shall elect a president from their number, as prescribed in the charter of the Nashville and Chattanooga Railroad Company; and at all meetings of the stockholders, when a vote is to be taken, each stockholder shall be entitled to one vote for each share of stock held by him.

**Commissioners.** SEC. 3. *Be it enacted,* That A. Philips, E. N. Cullom, R. Kenner, J. L. Goodall, O. S. Woods, R. B. Cain, Thomas E. Bramlett, D. Haggard, J. H. West, J. L. Quarles, R. Blain, J. F. Bell, W. Lair, C. B. Coffee and M. J. Brien, be, and they are hereby constituted a board of commissioners, a majority of whom may act, to manage all the affairs of said company until it shall be organized, by the election of a board of directors as aforesaid, to procure the subscriptions of stock, by the appointment of an agent or agents for that purpose, or in such manner as they may deem best; to provide for experimental surveys of routes for such railroad, and for the payment for making said surveys, and for procuring said subscriptions, out of such calls on the stock subscribed for, as they may deem advisable, out of the funds hereafter provided for, but they shall not be compelled to require any part of the stock subscribed for, to be paid in cash, at the time it is subscribed for. At all meetings of said commissioners, they may vote in person or by proxy, in relation to the affairs of the company, before

its organization as aforesaid; and they shall require each subscriber to execute his note to the company for one dollar, for each share subscribed for by him, and it shall be lawful for the same to be sued for and recovered of such subscriber in the name of the company, whether organized or not, to be used, when paid, in defraying the expenses incurred by the commissioners in the manner aforesaid.

SEC. 4. *Be it further enacted*, That said company shall have ten years to complete their said railroad, and whenever five miles of the road shall have been completed, said company may carry on its regular business upon the same. And said company shall have five years in which to begin the construction of said railroad. Time to begin and complete.

SEC. 5. *Be it further enacted*, That the charter of the McMinnville and Manchester Railroad Company, be so amended, as that said company shall have and enjoy all the rights, powers and privileges, and be subject to all the liabilities and restrictions prescribed in the charter of the Nashville and Chattanooga Railroad Company, and in the various amendments thereto, except as herein further provided. McMinnville and Manchester Railroad.

SEC. 6. *Be it enacted*, That the capital stock of said company shall be one hundred thousand dollars, to be divided into shares of twenty-five dollars each, and the company shall have power to increase the capital stock to five hundred thousand dollars; and when one thousand shares of the capital stock are subscribed for, said company may organize, by the election of a board of directors, who shall elect a president from their number, as prescribed in the charter of the Nashville and Chattanooga Railroad Company. And at all meetings of the stockholders, when a vote is to be taken, stockholders may vote in person or by proxy, and in the election of directors, and in voting on all questions which come before a meeting of stockholders, or which may be submitted to a decision of the stockholders in any other manner, the vote shall be taken according to the following scale: the owner of one or two shares shall be entitled to one vote; the owner of not less than three nor more than four shares, shall be entitled to two votes; the owner of not less than five nor more than six shares, shall be entitled to three votes; the owner of not less than seven nor more than eight shares, to four votes; the owner of not less than nine nor more than eleven shares, to five votes; the owner of not less than twelve nor more than fifteen shares, to six votes; the owner of not less than sixteen shares nor more than Capital Stock.

*Scale of voting.*

twenty, to seven votes; the owner of not less than twenty-one shares nor more than twenty-six, to eight votes; the owner of not less than twenty-seven nor more than thirty-three shares, to nine votes; the owner of not less than thirty-four nor more than forty shares, to ten votes; and the owner of every ten shares above forty, shall be entitled therefor, to one vote. *Provided*, That no individual, corporation or company shall be entitled to more than five hundred votes.

**Commissioners.** SEC 7. *Be it enacted*, That S. D. Rowan, L. D. Mercer, R. B. Cain, Wm. Smart, Dr. Davis, Wm. H. Colson, M. Hoover, C. Colson, Lawson Wileman, Joseph M. Howe, W. P. Hickerson, Bashaw, R. B. Anderson, John Charles, Alexander E. Patton, Herndon Greene, Peter S. Decherd, Thomas C. Smart, H. H. Harrison, M. Hill, H. L. W. Hill, and Robert Webb, be, and they are hereby constituted a board of commissioners, any seven of whom may act, to manage all the affairs of said company, until it shall be organized by the election of a board of directors as aforesaid, to procure the subscription of stock, by the appointment of an agent or agents for that purpose, or in such manner as they may deem best, to provide for experimental surveys of routes for said railroad, and for the payment for making said surveys, and for procuring said subscriptions, out of such calls on the stock subscribed for, as they may deem advisable, out of the funds hereafter provided for, but they shall not be compelled to require any part of the stock subscribed for, to be paid in cash, at the time it is subscribed for, and at all meetings of said commissioners they may vote in person or by proxy in relation to the affairs of the company before its organization as aforesaid, and they shall require each subscriber to execute his note to the company for one dollar for each share of stock subscribed for by him, and it shall be lawful for the same to be sued for and recovered of such subscriber, in the name of the company, whether organized or not, to be used when paid in defraying the expenses incurred by the commissioners in the manner aforesaid.

**Time to begin and complete.** SEC 8. *Be it further enacted*, That said company shall have ten years to complete their said railroad, and shall have five years to begin the construction of said road, and whenever five miles of the road shall have been completed, said company may carry on its regular business on the same.

SEC 9. *Be it enacted*, That any thing in the charter of the McMinnville and Manchester Railroad Company,

inconsistent with the provisions of this act, is hereby repealed.

SEC. 10. *Be it enacted*, That in the location of the McMinnville and Manchester Railroad, it shall be located on the nearest and most practicable route to the Nashville and Chattanooga Railroad from McMinnville, to be judged of by the president and directors. *Provided*, That the 13th section of the act, incorporating the Nashville and Chattanooga Railroad Company, shall not be a part of the charter of the said Southwestern Railroad Company, nor McMinnville and Manchester Railroad Company. *And provided*, That nothing in this act shall be so construed, as to authorize the governor to endorse the bonds of said companies, nor shall the name of the road, hereby incorporated, control its location, but the same shall be left to the discretion of the president and board of directors.

SEC. 11. *Be it enacted*, That the charter of said road shall be continued from McMinnville to Sparta, on condition, that the people of White county make the same to McMinnville.

SEC. 12. *Be it enacted*, That the act, passed at the session of 1849-50, chap. 267, to extend the Mobile and Ohio Railroad from Tennessee river through the State of Tennessee by Nashville, is hereby amended, so as to grant two years extension of time to said company for commencing their work.

JORDAN STOKES,  
*Speaker of the House of Representatives.*  
M. R. HILL,  
*Speaker of the Senate.*

Passed, January 31, 1852.

## CHAPTER CCLXX.

AN ACT to incorporate the Thompson Academy, in the county of Williamson, and the Trustees of Andrew College, at Trenton and for other purposes.

**Incorporation.** SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the subscribers to the Thompson Male Academy in the county of Williamson, be and they are hereby created a body politic and corporate, by the name and style of the Thompson male Academy; and in that name may purchase, receive and hold any property, real, personal, or mixed, which may be given, granted, sold, conveyed or devised to them for the use and benefit of the academy; may use and dispose of the same, as they may think best for the benefit thereof; and by the name aforesaid may sue and be sued plead and be impleaded in any court of law or equity.

**Managers.** SEC. 2. *Be it enacted,* That Frank Hardeman, H. B. North, John Cowles, S. A. Jefferson, J. G. Core, F. G. Ratcliffe, Obediah Fitzgerald, E. Thompson, Thomas S. Boxley and P. W. Baugh, and their successors shall be the managers of the institution, and a majority of them shall have power to hold meetings, at such time and places as they may see proper, to make by-laws, and do all other acts consistent with their duties as managers; vacancies in their body, caused by death, resignation, or otherwise shall be filled by the subscribers from among themselves, by election, and in default of such election, vacancies shall be filled by the remaining managers, from among the subscribers.

**Powers.** SEC. 3. *Be it enacted,* That the corporation shall be governed in all things, not herein expressed, by the constitution and such by-laws, rules and regulations as the managers may from time to time adopt.

SEC. 4. *Be it enacted,* That no subscriber shall be held liable for any sum of money beyond the amount of his subscription, nor shall the association have power to bind him for a larger sum, except by his consent.

**Widows and Orphans Asylum of Memphis.** SEC. 5. *Be it enacted,* That Lyttleton Henderson, John P. Caruthers, M. David, Sidney Smith, J. W. A. Pettit, Dr. Condit, and A. O. Harris, be and they are hereby incorporated with the name and style of "the trustees of the Widows and Orphans Asylum of the city of Memphis."

**Powers.** SEC. 6. *Be it enacted,* That the said incorporated body and their successors in office, shall have power in and by their corporate name to sue and be sued, plead and be impleaded, and take and hold real and personal property for the use of the asylum, and shall have perpetual succession, and pass all by-laws for the regula-

tion and government of the asylum as they may deem proper, *Provided*, the same be not repugnant to the laws or constitution of this state; and they may appoint such officers and agents as may be necessary for carrying the benevolent objects of the institution into effect, and the same to remove at pleasure.

SEC. 7. *Be it enacted*, That in case a vacancy should occur in the office of trustee, by death, resignation, or otherwise, it shall be filled by the remaining trustees. Vacancies.

SEC. 8. *Be it further enacted*, That for the purpose of promoting education, John W. Elder, James W. Fussell, Lewis Levy, Robt. Seat, Luke P. Seay, R. B. McGee, J. W. McFarland, A. S. Curry, Henry C. Levy, J. J. Willis and G. M. Sharp, and their successors in office, are hereby constituted a body politic, and corporate, to be known as the board of trustees of Andrew College; said college to be located in the town of Trenton, or in its immediate vicinity, at the discretion of the said board of trustees; said college to be under the auspices of the Memphis annual conference of the Methodist Episcopal Church South; and in which is vested the power of appointing the trustees for said college; said trustees by the name aforesaid, shall have perpetual succession, and a common seal, and the same break or alter at their pleasure, which seal shall at all times be deposited with the president of the faculty of said college or chairman of the board of trustees, and said trustees by the name aforesaid, may sue and be sued, plead and be impleaded, in any of the courts of this state, or United States, and be capable in law or otherwise, to purchase and receive by gift, grant or devise, to themselves, and their successors, any lands, tenements, goods, chattles, or sums of money which may be purchased, given, granted or devised to them for the use of the college, or church aforesaid, and the same to sell, convey or otherwise dispose of, in such a manner, as to them may seem fit and proper, for the use and benefit of said college, or church. Andrew College.

SEC. 9. *Be it enacted*, That said trustees, shall have full power to erect buildings, purchase apparatus or books for the use of said college, or for endowing or supporting the same; they shall hold stated meetings at the close of each college session; they may also meet from time to time, on their adjournment, or as often as summoned for that purpose, by the president of the college, and any three of said trustees, at their stated meetings, in addition to other business of a general character, shall fill any vacancy in their own board, or in the faculty of said college, caused by death, Power.

resignation or otherwise; a majority of said trustees, assembled in accordance with the provisions of this section, shall constitute a quorum to transact business.

SEC. 10. *Be it enacted*, That the said board of trustees, shall have full power, to adopt a constitution and by-laws, for the government of said college, and the same alter or amend at pleasure by a vote of two-thirds of their number, elect a president, professors and tutors, prescribe the number of the same, and to elect such other officers, as they may deem necessary, and shall fix the compensation of such president, professors, tutors and other officers they may elect, and such president, professors, and tutors so elected, shall constitute the faculty of said college, to whom shall be committed the superintendence of the college; said board shall also fix the terms of tuition in said college. *Provided*, said constitution and by-laws, rules and regulations, are not inconsistent with the constitution and laws of the United States, and of the state of Tennessee.

SEC. 11. *Be it further enacted*, That the president of the college, shall be ex-officio a member of the board of trustees, and said trustees shall have power at their first meeting to elect by ballot, a chairman, secretary, and treasurer of their own number, who shall hold their offices until their successors are elected, and in the absence of the chairman of said board of trustees, at any of its meetings, one of their own number, may be called to the chair for the time being.

SEC. 12. *Be it enacted*, That the president and faculty of said college, with the consent of the board of trustees, shall have power and privilege to confer the usual academical degrees, conferred by any of the colleges or universities of this state, or of the United States, upon any student of said college, or upon any other person, and to grant under their corporate seal, diplomas, or certificates of such degrees, to be signed by the president, and witnessed by the professors of said college, and said faculty, or a majority of them, shall have full power to prescribe the course of studies of the students in said college, and to suspend, reprimand, dismiss, or expel any student of said college, for any violation of the by-laws or constitution of said college, but any student so dealt with, thinking himself aggrieved, shall have the right of an appeal to the board of trustees.

SEC. 13. *Be it enacted*, That the trustees shall hold their appointment for two years, and until others are appointed, which shall be done by said conference at

its meetings, and any vacancy happening from death, resignation, or removal in said board, may be filled for the unexpired term, by the remaining trustees, first giving ten days public notice thereof.

Secs. 14. *Be it enacted*, That no misnomer, or mis-description of said corporation, in any will, deed, gift, grant devise, or other instrument, of contract, or conveyance, shall vitiate or defeat the same, but that the same shall take effect, in like manner, as if the said corporation were rightfully named, *Provided*, it be sufficiently described, to ascertain the intention of the parties. Misnomer not to vitiate.

Sec. 15. *Be it enacted*, That all the property held by the said board of trustees for the use of said college, shall be forever free from taxation of all kinds, for any purpose, or by any authority whatever, this act shall be deemed a public act, and as such shall be judicially noticed, without being specially pleaded, in all the courts of law, or equity, in this state, and shall take effect from and after the date of its passage. Free from taxation.

Sec. 16. *Be it further enacted*, That the county academy of Haywood county be divided into two branches, so as to constitute the "Brownsville Female Institute," a branch of said county academy, for the education of girls; and that the trustees of said "Brownsville female institute" shall be additional trustees of said county academy, to be separately organized, and to share equally with the male branch of said academy in any monies now on hand and unappropriated, and in any monies hereafter to be drawn from the treasury of the state, for the use of said county academy; said fund to be drawn from the treasury as heretofore, and appropriated by the trustees of said county academy, as herein directed, for the use and benefit of said "Brownsville female institute;" the one half of any monies now on hand or hereafter to be drawn from the treasury of the state, for the benefit of said county academy, shall be paid over to the trustees of the "Brownsville female institute" or to some agent authorized by them to receive the same. Brownsville Female institute.

JORDAN STOKES,

*Speaker of the House of Representatives.*

M. R. HILL,

*Speaker of the Senate.*

Passed, February 12, 1852.

## CHAPTER CCLXXI.

AN ACT for the improvement of Obeds river and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That there be appropriated, out of the treasury of the state, two thousand dollars for the improvement of the navigation of Obeds river from its mouth up to McCormack's coal bank, in the county of Fentress.

Commissioners. SEC. 2. *Be it enacted*, That Abner Phillips and Pleasant Miller of Fentress county, and Jno. Sevier, Joseph Conner and Sells McDonald, of Overton county, be appointed commissioners, any three of whom may be competent to act; whose duty it shall be to superintend the improvement hereby contemplated, and in making which improvement they shall commence at the lowest obstruction in said river, and remove such prominent obstructions so as to render said river navigable for the longest period of time in each year up to the said coal bank.

Comptroller to issue warrant. SEC. 3 *Be it enacted*, That upon the application of the said commissioners, or a majority of them, personally, or by written order, the comptroller shall issue a warrant on the treasury for the several sums of money as may, from time to time, be needed for the execution of said work: *Provided*, the whole amount called for, shall not exceed the said sum of two thousand dollars, and their receipt for said sum or sums of money paid them by the treasurer shall be good and sufficient vouchers in the settlement of his accounts.

Vacancies. SEC. 4. *Be it enacted*, That the county court of Overton county at any monthly term of said court, a majority of the justices present concurring therein, shall have power and authority to fill any vacancy in the board of Commissioners hereby appointed, occurring by reason of the non-acceptance, death, removal or resignation of any of the commissioners residing in said Overton county; and the county court of Fentress county, shall have like powers to fill vacancies in said board, occurring as aforesaid in said county of Fentress.

Bonds. SEC. 5. *Be it enacted*, That the said commissioners, before they shall be entitled to receive any part of said sum of money herein before appropriated, shall execute bond with two or more securities, to be approved by the county court of Overton county, to the chairman of said county court, in double the amount of the appropriation here in made, for the faithful discharge of their duties as commissioners as aforesaid; and for any viola-

tion of their duties or misappropriation of the money or any part thereof, hereby set apart and appropriated for the improvement of Obeds river they shall be liable to an action on said bond.

SEC. 6. *Be it enacted*, That before the comptroller shall issue his warrant as provided in the third section of this act, the said commissioners shall produce to him a certificate from the clerk of the county court of Overton county, that they have executed bond as required in the fifth section of this act.

SEC. 7. *Be it enacted*, That it shall be the duty of the said commissioners to expend two thirds of the amount herein appropriated, in the removal of those obstructions existing in said Obed's river, within the county of Overton, and the remaining one third in the removal of obstructions in said river, within the county of Fentress and below the said coal bank. Expenditure in Overton.

SEC. 8. *Be it enacted*, That the said commissioners shall receive out of the sum herein appropriated, two dollars per day for each day, each one of them may be actually engaged in the improvement of said river, and that they are hereby required to report to the January and July terms of the county courts of Overton and Fentress counties, the amount of money received by them under the provisions of this act, the amount expended and the obstructions removed. Commissioners to report.

SEC. 9. *Be it further enacted*, That in the expenditure of the money herein before appropriated to the removal of obstructions in Obeds river, in the counties of Fentress and Overton, the same shall be so apportioned and expended upon obstructions in the said counties respectively, that each material obstruction in said river shall be removed or improved according to its magnitude, so that the navigation of said river shall be made as uniform as practicable.

SEC. 10. *Be it enacted*, That the sum of one thousand dollars be, and the same is hereby appropriated out of any monies in the treasury not otherwise appropriated, for the purpose of improving the navigation of the Caney fork river, from its mouth up to Frank's ferry, near James Rhodes', in White county. Caney Fork river.

SEC. 11. *Be it enacted*, That Col. R. D. Allison, Thos. Lancaster and Jefferson Rowland, of Smith county, Elijah Denton, Thomas Hutson, and Edward Pollard, of White county; Henry Pricket, David James and B. S. Rhea, of DeKalb county, be and they are hereby appointed commissioners, to employ hands and superintend the work contemplated to be performed by this act, and that the treasurer pay to said commissioners said Commissioners

sum of money upon their giving bond and security, payable to the governor of the state of Tennessee, conditioned for the faithful expenditure of said money upon the improvement of said river, contemplated by this act.

Sec. 12. *Be it enacted*, That a majority of said board of commissioners shall be competent at all times to transact any business, and that said commissioners are hereby authorized to call upon the commissioners appointed by the act of 1846, passed February 2, for all monies, tools and fixtures that are yet in the possession of said commissioners, and that said commissioners are hereby required to deliver up to the commissioners appointed by this act all such monies, tools and fixtures.

JORDAN STOKES,

*Speaker of the House of Representatives.*

M. R. HILL,

*Speaker of the Senate.*

Passed, February 23, 1852.

## CHAPTER CCLXXII.

AN ACT, granting to John Gillentine, power to construct a turnpike road over the Cumberland mountain, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That there be granted to John Gillentine of the county of Van Buren, the privilege of making a turnpike road, from the town of Spencer, in the direction of Chattanooga, to the foot of the Cumberland mountain, at a gap near Brush creek, and the said Gillentine shall have two years from the first day of January next, to open and put in repair said road, and shall have the exclusive right to charge toll thereon as specified in this act, for the term of twenty years.

SEC. 2. *Be it further enacted*, That said road shall be opened at least eighteen feet wide, clear of stumps, rocks and all other obstructions, the creeks and drains properly bridged, where necessary; and the road shall in all things be placed in a condition for the safe transit of carriages of all kinds thereon; he shall keep said road in good repair at all times, and in case of failure to keep the same in good repair, the said Gillentine shall

Style of road.

be punished in the same manner as the overseers of public roads now are by the laws of the state.

SEC. 3. *Be it further enacted*, That Henry P. Moore, and Jonathan Simons of the county of Van Buren, are hereby appointed commissioners on said road, and so soon as they are notified by the proprietor that said road is completed, shall proceed to view the same, and if they shall find said road to be made in accordance with the provisions of this act, then and in that case they shall authorize the said Gillentine to erect one gate thereon, and to charge the following rate of tolls, to wit: for each man and horse, ten cents; for each cart, twenty-five cents; for each wagon, fifty cents; for each four wheeled pleasure carriage, seventy-five cents, for each horse or mule in a drove, two cents; for each hog, cow or steer or bull in a drove, one cent; and it shall be the duty of the said commissioners to examine the said road from time to time, and if at any time they shall find the same out of repair, as designated by this act, they shall open the gate, and no toll shall be collected on said road until the same is put in repair as prescribed in this act, and shall be again received by the aforesaid commissioners.

Rate of toll,

SEC. 4. *Be it further enacted*, That if the proprietor of said road shall charge any toll while his gate continues open under the direction of said commissioners, and before said commissioners shall again authorize him to charge toll, he shall forfeit and pay ten dollars to the person aggrieved, to be recovered before any justice of the peace; and if any person shall pass through said gate and refuse to pay his toll, or shall go around said gate in order to avoid the payment of said toll, he shall forfeit and pay to the proprietor of said road, the sum of ten dollars, to be recovered in like manner.

Penalties.

SEC. 5. *Be it further enacted*, That an act repealing the law, declaring Wolf river navigable, passed January 22, 1846, be and the same is hereby repealed, and the act passed November 6, 1837, chapter 39, page 63 is hereby revived, *Provided*, however, that dams may be erected across said river, above the main road leading from the town of Livingston, Tennessee, to the town of Monticello, Kentucky, *Provided*, such dam or dams are provided with a slope or slopes, so as to be passed by boats, rafts and other water crafts.

Wolf river.

SEC. 6. *Be it enacted*, That Bird Pankey of Bledsoe county, be and he is hereby authorized to open a turn-pike road, crossing Walden's ridge, beginning at or near a place, known as Quarles' mill in Bledsoe coun-

Bird Pankey's road.

ty; thence by the most practicable route to Major Greg's near to the corner of Rhea and Hamilton counties.

Style of road.

SEC. 7. *Be it enacted*, That said turnpike shall be constructed twelve feet wide on each side of Walden's ridge, and twenty feet wide on the top of the same; that the said Bird Pankey, shall have the right to erect a gate on the said road, and shall have the right to receive tolls, as follows: seventy five cents for a five horse wagon, fifty cents for a two horse wagon, fifty cents for all carriages, ten cents for man and horse, one cent for hogs and sheep, six cents for a loose horse or mule, fifty cents for all carts, three cents for cattle. The said Bird Pankey shall complete the construction of said road within two years from the date of this charter, and the privilege herein granted shall exist for thirty years.

Commissioners.

SEC. 8. *Be it further enacted*, That Pleasant Vernon and M. A. Smith, of Bledsoe county, be appointed commissioners on said road, and shall be entitled to one dollar per day for their services.

JORDAN STOKES,

*Speaker of the House of Representatives.*

M. R. HILL,

*Speaker of the Senate.*

Passed, February 25, 1852.

## CHAPTER CCLXXIII.

AN ACT to incorporate the Belle Forrest Collegiate Institute in Obion county, and for other purposes.

Incorporation.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Gabriel Henderson, Charles Tally, Alfred A. Brevard, Samuel C. Debow, George Williamson, Wm. B. Gibbs, David D. Bell, Henry H. Applegate, Lysander Adams, James Thomas, James Nailor, Salathiel Medaris, James B. Hardeman, Everett Vehines, Jno. G. Sevier, J. Osborne, Franklin White, Wm. H. Chawbers and George W. Gibbs and their successors, and the stockholders already subscribed and who may hereafter subscribe, be and they are hereby constituted a body politic and corporate by the name and style of the "Belle Forrest Collegiate Institute," and by that name and style may have succession for five hundred years with full power and authority, to

be answered unto, in any court of law or equity in this state, and to have and use a common seal, which they may alter or change at pleasure.

SEC. 2. *Be it enacted*, That the capital stock of said <sup>Capital stock.</sup> company may be one hundred thousand dollars, owned by the stockholders and subscribers; and for every ten dollars of stock subscribed or owned by purchase, the holder shall be entitled to one vote in the election of trustees as hereafter provided.

SEC. 3. *Be it enacted*, That the persons mentioned in the first section of this act, are appointed trustees of <sup>Election of Trustees.</sup> said institution, and continue in said trust until the first Monday in January 1853, and until another board shall be elected and installed; that said board of trustees shall give public notice in writing to the stockholders that an election for trustees will be held on the said first Monday of January, 1853, and the election for a board shall be held annually on the first Monday in January in each and every year thereafter, under the same rules and regulations.

SEC. 4. *Be it enacted*, That the board of trustees shall <sup>By-laws.</sup> have power to make all necessary by-laws for the government of said institution, not inconsistent with the constitution and laws of this state or of the United States, and shall have full power to appoint such officers and agents as may be necessary for the furtherance of the prosperity of said college, and shall have power to procure agents to travel to solicit subscriptions and to lecture and explain the objects of the company; said trustees may appoint trustees to fill vacancies, occasioned by death, resignation or nonattendance, and they shall have power to increase the number of trustees to twenty-four, and they shall have power to fix their own meetings, and any number of the trustees, not less than seven, shall constitute a board competent to do business; the board shall also have full power and authority to elect a president of the college, who shall be ex-officio the president of the board of trustees, and such professors and tutors as they may deem necessary, and the said president, professors and tutors shall constitute the faculty of the college, to whom shall be committed the course of studies and diplomas of the institution.

SEC. 5. *Be it enacted*, That it shall be the duty of the trustees to attend the public examinations of the students and publish annually a report of the progress of the college, giving the names of the officers and trustees, number of students, and every thing which they may deem necessary to promote the cause of education. <sup>Duty of Trustees</sup>

May confer degrees,

**Sec. 6. *Be it enacted,*** That the faculty and trustees shall have full power and authority to grant all such literary honors and degrees as are usually granted by other institutions of learning in this state or the United States, and give suitable diplomas under their seal and the signature of the president and secretary of the board, which diplomas shall entitle the professors respectively to all the privileges and immunities which either by usage or statute are allowed to possessors of similar diplomas from other institutions of learning.

Location.

**Sec. 7. *Be it enacted,*** That the said college may be established in the state of Tennessee, in Obion county, on the site already selected by the stockholders, or which may hereafter be selected at or near the boundary line between civil districts number one and two in said county of Obion.

Pleasant Valley Female Acad.  
emy.

**Sec. 8. *Be it enacted,*** That Joseph M. Newsom, John C. House, J. S. Demoss, A. H. Stothart, Wm. G. Anderson, Thos. Brown, Thos. G. Allison, Jno. L. Green, and John S. Prichett, be and they are hereby constituted and appointed a body politic and corporate, by the name and style of the president and trustees of Pleasant Valley Female Academy, in Davidson county, and by that name may sue and be sued, plead and be impleaded, and shall have perpetual succession, and a common seal, and shall have, hold and acquire all property, both real and personal which may be necessary for the purposes of the academy, and shall have, exercise and enjoy all the rights, powers and privileges, as are usually possessed and exercised by the trustees of other incorporated academies in this state; and may ask, demand and sue for, any money, or monies to which said academy may be entitled under any law of this state for the benefit of academies.

Quorum.

**Sec. 9. *Be it enacted,*** That any five of said trustees shall constitute a quorum for the transaction of business, and upon the death, resignation, removal or refusal to act, such vacancy may be filled by a quorum of the board.

Powers

**Sec. 10. *Be it enacted,*** That the trustees are authorized to elect a president and all other officers necessary for the transaction of business pertaining to the institution, and may make such by-laws as they may deem necessary not inconsistent with the laws of this state.

JORDAN STOKES,

*Speaker of the House of Representatives.*

M. R. HILL,

*Speaker of the Senate.*

Passed, February 26, 1852.

## CHAPTER CCLXXIV.

AN ACT to change the name of the Young Men's Literary Society at Knoxville, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That, the name of the "young men's literary society," a society heretofore chartered by the Legislature of Tennessee and located in Knoxville, shall be, from and after the passage of this act, changed to the name and style of "the Knoxville library association," and shall have the same powers and privileges, and be subject to the same liabilities and duties under the name of "the Knoxville library association," which belonged to it before.

SEC. 2. *Be it enacted*, That John Ingram, J. B. Nealy, Thomas Reid, A. R. Reid, John W. Love, John Alston, John W. Campbell, B. Tyson, E. S. Campbell, James W. Strother, C. McKinney and J. H. Gillespie, be and are hereby constituted a body politic and corporate, by the name of "the trustees of the Denmark presbyterian female college," and by that name shall have perpetual succession, and a common seal; and said trustees and their successors, by the name aforesaid shall have power in law and equity, to purchase, hold, and receive to themselves and their successors, forever, or for any less estate, any lands, tenements, hereditaments, goods or chattels, which may be purchased, given, granted, devised, or bequeathed to them, or in any lawful manner, acquired by them, or their successors, for the use of said college, and to have power to sell and convey, use or dispose of the same, in such manner as to them shall seem most advantageous for said college; and said trustees and their successors by the name aforesaid may sue and be sued, plead and be impleaded in any court of law or equity in this state or elsewhere.

SEC. 3. *Be it enacted*, That said trustees, together with the president of said college, who shall be elected by the trustees aforesaid, shall have power to make such by-laws, rules and regulations, not incompatible with the constitution of this state and of the United States, relative to their own proceedings, and the said college as a majority of said board, may deem right and proper in order to promote and advance the objects of said college, *Provided*, that four of said trustees, together with the president of said college, (who shall be ex-officio president of said board of trustees,) shall be a quorum to transact ordinary business; and said trus-

Denmark Presby-  
terian Female  
College.

Officers and pow-  
ers.

tees shall, (a majority being present,) elect a president, secretary and treasurer, and such professors of said college as they may deem proper, and fill all vacancies that may occur, either in said faculty or in their own body, and also to declare vacant the seat of the president, or any member of the faculty, or of the board of trustees, who may fail or refuse properly to discharge the duties of his office.

**SEC. 4.** *Be it enacted,* That it shall be the duty of said trustees, or such as they shall appoint from their own body, for this purpose, to attend the regular examinations of the pupils, and report annually the progress of said college, to the persons (members of the presbyterian church, o. s.) composing that body which style themselves the Presbytery of the Western District, also giving in said report, the names of the trustees, faculty, and students, and such other information as they may deem advantageous to said college, together with all the proceedings of said board of trustees, which shall be subject to the approval or disapproval of the majority of the persons styling themselves members of the presbyterian church, who may compose the said Presbytery of the Western District.

JORDAN STOKES,

*Speaker of the House of Representatives.*

M. R. HILL,

*Speaker of the Senate.*

Passed, February 25, 1852.

## CHAPTER CCLXXV.

AN ACT supplemental to an act, passed 3d November, 1851, entitled "an act to authorize the County Court of Haywood county, to levy a tax and build a Turnpike Road and Ferry across Big Hatchee river.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That in addition to the power and authority conferred upon the county court of Haywood county, by the act to which this is supplemental, that instead of building a turnpike or plank road, or instead of buying and repairing any of the places used as a crossing for said Hatchee river, as provided for in the first and second sections of said act, said county court, should it be deemed by them most advantageous and expedient, may, and are hereby fully authorized to select any one of the places used as a crossing on said river, and may, with the consent of the owner or owners of said place or crossing so selected, appropriate from the treasury of said county, out of any monies which may be on hand, or may raise the same by levying a tax in the manner as pointed out in said act, a sum sufficient to repair or complete said place or crossing; which said sum, so raised or appropriated, shall be applied to the repairing or completion of said road, exclusively under the supervision, control and direction of said court, and in such manner as said court may deem best and most expedient. *Provided*, That the said owner or owners of said road or crossing, will give such a lien upon the said road and the tolls thereof, as will, in the opinion of said court, indemnify said county for the amount of the appropriation thus made.

Sec. 2. *Be it further enacted*, That said county court may in their discretion, should it be deemed advisable or expedient, with the consent of the owner or owners of any place used as a crossing for said river, which may be selected as provided in the first section of this act, appropriate from the treasury of said county, out of any monies which may be on hand, or may raise the same by levying a tax in the manner as pointed out in the act of which this is supplemental, such sum of money as said court may deem proper, to be applied exclusively under the supervision, control and direction of said court, and in the manner by said court designated, to the repair or completion either in whole or in part of said place or crossing. *Provided*, Said owner or owners thereof will enter into bond with such penalty and with such security as shall be approved by the court; conditioned, to perfect, complete and finish said road in such time as said court may prescribe, and there-

County Court  
may appropriate  
or levy tax.

after, for such term of years as said court may deem proper, to keep the same in complete order and repair, so as to insure a safe and secure crossing over said river and river bottom. *And provided further*, That said owner or owners may be required by said court, to enter into any other covenants, rules or restrictions which said court may in its discretion deem proper to impose.

Sec. 3. *Be it further enacted*, That this act shall take effect from and after its passage.

JORDAN STOKES,

*Speaker of the House of Representatives.*

M. R. HILL,

*Speaker of the Senate.*

Passed, February 26, 1852.

## CHAPTER CCLXXVI.

AN ACT to charter the Sevier County Turnpike Road, and for other purposes.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Tennessee*, That M. W. McCown, William Catlett, Milton Carter, West J. Emert, William Ogle, sen., Daniel W. Ragan and H. M. Thomas, and their associates, be, and they are hereby incorporated a turnpike company, to be called and known by the name of the Sevier County Turnpike Company, and they are hereby authorized to open books for the purpose of receiving subscriptions to the amount of five thousand dollars, to be applied to the purpose of making a turnpike road from the top of the Smoky mountain, on the line between the State of North Carolina and the State of Tennessee, to the first ford of the West Fork of Little Pigeon river, above West J. Emert's, in Sevier county; said capital stock of five thousand dollars, shall be divided into shares of twenty dollars each, and when the sum of two thousand dollars shall be subscribed, a meeting of the stockholders shall be held at Sevierville, in Sevier county, of which twenty days public notice shall be given, after which first meeting, the stockholders shall be, and they are hereby constituted a body politic and corporate, by the name above stated, and together with those who may afterwards subscribe for, or purchase stock, shall so continue, and may own, sell, or buy property sufficient for all the purposes of said road; may sue and be sued in their corporate name and

Incorporation.

Capital Stock.

character, and have and enjoy, and possess all the rights, powers and privileges appertaining to bodies corporate and politic by law; shall have succession for one hundred years. The subscribers, or a majority of them in interest, at their first meeting shall elect five directors, who shall elect one of their number president of the board of directors, who shall continue in office for two years, and until others are elected and qualified to fill their places. The president and directors shall have power to open books and receive subscriptions, as they may think best, for the remainder of the stock necessary to complete said road. of Elections.

SEC. 2. *Be it enacted*, That it shall be the duty of the commissioners, or any two of them, to open books for subscription at the county seat, in the county of Sevier, and at such other places as they may think proper, on the first Monday in June next, and shall keep said books open twenty days at least, and should the amount required to be subscribed, not be taken within the time aforesaid, then it shall be the duty of said commissioners to continue to receive subscriptions until the whole amount is taken up, or a sufficiency to make said road. Open Books.

SEC. 3. *Be it enacted*, That each subscriber shall pay to the commissioners, at the time of subscribing, the sum of one dollar on each share, the balance of said subscription may be paid in work and labor, on said road. *Provided*, Any subscriber, wishing to pay in work, will undertake and bind him or themselves to make a certain portion of said road, which may be agreed on, as low as any other person not a subscriber will undertake, and bind him or themselves to do the same work. Stock may be paid in work.

SEC. 4. *Be it enacted*, That the president and directors of said company shall be, and they are hereby vested with all the powers and rights necessary for the building, constructing and keeping in repair said road, according to the law governing first class roads in this State, of which description of roads the president and directors shall cause said road to be made, and the whole stock and property of said road and the profits arising therefrom, shall be vested in the respective stockholders, their heirs, representatives and assigns in the proportion of their respective shares. Style of road.

SEC. 5. *Be it enacted*, That said company, or their assigns, shall be vested with the right of way, on which to locate said road, and when any individual, through whose land it may be laid out, shall be dissatisfied, the commissioners, or their assigns, shall not thereby be prohibited from making said road through such lands, Right of way.

but three disinterested freeholders shall be chosen by the county court of Sevier county, who, upon oath, shall assess damages to the objecting party for the amount of damages they may believe, he, she or they will sustain by said road, always taking into consideration the probable advantage of said road to such individual, for which amount of damages, thus assessed, the stockholders shall be liable to the individual or individuals, and which may be collected as other debts.

SEC. 6. *Be it enacted*, That the balance of the amount of subscription, after the first payment, shall be paid at such time as the president and directors may call for the same, for the use of the company in the prosecution of the work.

**Rates of toll.**

SEC. 7. *Be it enacted*, That when said road is completed, and made equal to a first class road, according to the laws of Tennessee, as contemplated by the fourth section of this act, but always taking into consideration the ground over which it passes; the president and directors shall be authorized to erect one toll gate on said road, at any point they may think proper, and shall be authorized to demand and receive the following rates of toll, to wit: for each four wheeled carriage of burthen, if drawn by four or more horses, mules or oxen, one dollar, if drawn by three, seventy-five cents, if drawn by two, sixty-two and a half cents, if drawn by one, thirty cents; for each two wheeled carriage of burthen, if drawn by four or more horses, mules or oxen, fifty cents, if drawn by three, forty cents, if drawn by two, thirty cents, if by one, twenty cents; for each four wheeled pleasure carriage, with the driver and passengers, if drawn by four horses, one dollar, if drawn by two, fifty cents, if drawn by one, thirty cents; for each two wheeled pleasure carriage, twenty-five cents; for each man and horse or mule, ten cents; for each led horse, mule or jack, not in a drove, five cents, if in a drove, two cents each; for each head of cattle, two cents; for each head of hogs or sheep, one-half a cent. *Provided*, no person, who may be going or returning in the prosecution of neighborhood business, or who may be going or returning from mill, muster, court, blacksmith shop, or preaching, shall be required to pay toll.

**Commissioners may sell road,**

SEC. 8. *Be it enacted*, That when said commissioners shall have kept their books for subscription open for the space of time mentioned in the second section of this act, if no person or persons shall subscribe the amount of stock aforesaid, then and in that case, said commissioners may let and sell out said road to any person or persons who will undertake and bind him or themselves

to make and build said road, as required by this act, from the top of the Smoky mountain, where the North Carolina road comes to the State line, to where William Trentham, deceased, formerly lived, in the White Oak Flats, in Sevier county, and said person or persons shall be entitled, when said road is completed, to receive the toll pointed out and allowed by this act.

SEC. 9. *Be it enacted*, That it shall be the duty of said company, or person or persons, as the case may be, who make and build said turnpike road, to cause said road to be graded, so it shall not rise more than one foot in ten, at all places where the ground will by possibility admit of it, and the same shall be measured and plainly mile marked. Grade of road.

SEC. 10. *Be it enacted*, That when said road is completed, it shall be the duty of the county court, of Sevier county, on application of said company or person or persons, building and owning said road, to appoint three disinterested freeholders, and the company shall appoint three on their part, (if said road has not been sold out,) who, in conjunction with the three appointed by the court, shall examine said road and ascertain by actual observation, whether it be completed in conformity with the provisions of the charter, and on said persons so appointed, or a majority of them, certifying in writing, under their hands, that said road has been so completed, said company, or said person or persons, as the case may be, shall have power and authority to demand and receive the tolls herein before stated. *Provided*, Said persons, so appointed for the aforesaid purposes, or a majority of them, shall once in every six months, at least, and oftener if, upon satisfactory information, they believe said road to be out of repair, to examine the same, and in case the same shall be found out of repair, the said persons shall then set said toll gate open, which shall not be closed until said persons or a majority of them, give their written certificate to the proprietor or proprietors, owner or owners of said road, of its being put in repair, under the penalty of one hundred dollars to be recovered at the suit of the State. *Provided further*, That in the event one, two or all of said persons shall refuse to act, die, resign or remove out of said county, the county court shall proceed to elect another or others, as the case may be, and the said persons shall be entitled to demand and receive from the proprietor or proprietors of said road, the sum of one dollar each per day while engaged in the service required of them under this act. *Provided further*, That after said road has once been received by the persons Examiners of road.

appointed to examine it, there shall be but three persons continued as examiners.

*Penalties.*

SEC. 11. *Be it enacted*, That if any person shall forcibly or clandestinely pass, or attempt to pass, by said toll gate to evade the payment of the toll aforesaid, he, she or they shall, for every such offence, forfeit and pay said proprietor or proprietors, the sum of five dollars, to be recovered by action of debt, before any justice of the peace, having jurisdiction thereof; and if any person shall sustain any damage on account of said road being out of repair, or by being detained by the keeper of said toll gate, such persons shall be entitled to an action against the proprietor or proprietors for the damages by him or them sustained.

*Scott's turnpike road.*

SEC. 12. *Be it further enacted*, That Luke Hall, of Morgan county, Alexander Dobkins, of Fentress county, Jarret Cox, of Overton county, be appointed commissioners on Scott's turnpike road, running from P. Brady's toll gate to Montgomery.

*Cumberland turnpike road.*

SEC. 13. *Be it enacted*, That John A. Winton, of Roane county, John Ford, of Bledsoe county, be appointed commissioners on the Cumberland Turnpike Road, granted to John Brown and Robert Burk, December 9th, 1826, which road now belongs to John Burk, of Roane county.

*Rains & Carmichael's road.*

SEC. 14. *Be it further enacted*, That the proprietors of a turnpike road granted to Benjamin Rains and J. H. Carmichael, be allowed the further time of two years, from and after the 7th day of February, 1853, to complete the same.

JORDAN STOKES,

*Speaker of the House of Representatives.*

M. R. HILL,

*Speaker of the Senate.*

Passed, February 25, 1852.

## CHAPTER CCLXXVII.

AN ACT to incorporate the Board of Foreign and Domestic Missions of the Cumberland Presbyterian Church, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the present Board of Foreign and Domestic Missions, appointed by the General Assembly of the Cumberland Presbyterian Church, consisting of Thomas Calhoun, F. R. Cossett, Abraham Caruthers, Miles McCorkle, W. D. Chadick, Andrew Allen, Jo. S. McClain, A. G. Goodlett, Thomas C. Anderson, David C. Hibbets, C. P. Read and Robert L. Caruthers, be constituted a body politic and corporate, in the name and style of the Board of Foreign and Domestic Missions of the Cumberland Presbyterian Church, by and in which name they or their successors may sue and be sued, contract and be contracted with, and have capacity to receive, hold and sell, all such property, either real or personal, or mixed, as may be purchased, given, granted, devised or bequeathed to them for the purpose of promoting the cause of christian missions, either foreign or domestic, but for no other purpose. Incorporation.

SEC. 2. *Be it enacted*, That said board, and their successors shall have power to appoint all such officers and agents, or missionaries, as they may consider necessary to carry out the objects and purposes of their organization; to fill any vacancies in their own body, which may occur by death, resignation or otherwise, with the sanction of the General Assembly of the Cumberland Presbyterian Church; to make such by-laws and regulations as they may deem necessary, with the approval of said General Assembly, not inconsistent with the constitution and laws of this State or the United States. Powers.

SEC. 3. *Be it enacted*, That any gift, devise or bequest for missionary purposes to the Cumberland Presbyterian Church, or to the General Assembly, or any Synod or Presbytery, or society of said church, shall go to and vest in the said board, as fully as if the corporate name and style of the board was used in such deed or will, unless a contrary intention clearly appears. No mistake, as to the name of the board or defect in form, shall affect the validity of the gift, devise or bequest, if the intention is manifest. Misnomer not to affect.

SEC. 4. *Be it enacted*, That the same rights and privileges which are conferred by this act on the Cumberland Presbyterian Church, be, and they are hereby granted to all other religious denominations, and that upon petition to the county or circuit courts, by ten or more persons, said courts shall be authorized to appoint Courts to incorporate Missionary boards.

trustees or directors of missionary boards, which shall have the same powers and authority as are conferred in the foregoing act, and may be authorized to act as a corporation for missionary purposes.

**Tennessee Baptist Female Institute.**  
**SEC. 5.** *Be it enacted,* That Jos. H. Eaton, Jesse Sikes, James Avent, Ed. L. Jordan, James F. Fletcher, T. Hill, Isaac Burlerson, J. W. King, W. B. Campbell, Bradley Kimbrough, Thomas G. Mosby, B. M. Tillman, L. B. McConico and A. W. Meacham, and their successors in office, be, and they are hereby constituted a body corporate and politic, by the name and style of the Trustees of the Tennessee Baptist Female Institute, with all the rights, privileges, powers and immunities of the Trustees of the Tennessee Female Institute, incorporated by an act, passed January 28, 1848.

**Corporate limits of Jamestown.**  
**SEC. 6.** *Be it enacted,* That the corporate limits of the town of Jamestown, in the county of Fentress, be, and is hereby extended, so as to begin at the corner of the south-east corner lot of said town; running south, so as to include a new house, lately occupied by John Conatser; thence west, far enough to include the grave yard; thence north to H. Millsop's fence; thence east to the east boundary of said town; thence south to the beginning.

**Statesville incorporated.**  
**SEC. 7.** *Be it further enacted,* That the town of Statesville, in the county of Wilson, and the inhabitants thereof, are hereby incorporated, by the name and style of the Mayor and Aldermen of the town of Statesville, and by the name and style aforesaid, shall have perpetual succession, and may have and use a common seal, and may, by the name and style aforesaid, sue and be sued, plead and be impleaded, may have, receive, purchase and hold property, whether real or personal, and may grant, sell or dispose of the same for the use and benefit of said town.

**Powers.**  
**SEC. 8.** *Be it enacted,* That the corporation aforesaid, shall have full power and authority to enact such by-laws and ordinances as may be necessary and proper to preserve the health, quiet and good order of the said town; to prevent and remove nuisances; to establish night-watches and patrols; to punish breaches of good order committed within the said town; to provide for licensing, regulating and taxing auctions; to restrain and prohibit gaming; to prohibit the showing of stallions and jacks within the limits of said corporation; to provide for licensing, taxing and regulating theatrical and other shows and exhibitions; to pass by-laws and ordinances proper for paving the streets, alleys and side-walks; to impose and collect fines and forfeitures for

breaches of the by-laws and ordinances of said corporation; to levy and collect taxes upon all property and privileges within said corporation, which are taxable by the laws of this State, or which may hereafter be made taxable by law; to tax ball-alleys, and nine and ten pin alleys, and all such other powers as are common to incorporated towns, and to pass all by-laws and ordinances necessary and proper to enforce the powers herein granted, not inconsistent with the laws of the land.

SEC. 9. *Be it enacted*, That all fines and forfeitures imposed by the by-laws and ordinances of said corporation, not exceeding fifty dollars, shall be recoverable by action of debt, before the mayor of said town, or any justice of the peace in said county, and for sums exceeding that amount, before the circuit court of said county. Fines and forfeitures.

SEC. 10. *Be it enacted*, That on the first Saturday in March next, and ever afterwards on the first Saturday in January in each and every year, the sheriff of said county, by himself or deputy, shall open and hold an election in said town of Statesville, after giving ten days notice, for seven aldermen, who shall hold their offices for twelve months, and until their successors shall be elected and qualified, provided the Aldermen first elected shall hold their offices until their successors, elected on first Saturday in the January following, shall be qualified; and all persons living within the bounds of said town, who are qualified to vote for members of the General Assembly, shall be entitled to vote in said election; and no person shall be eligible to the office of a lderman, unless he shall, at the time, be a freeholder within the corporation aforesaid. Said election shall be adjudged by three freeholders, to be appointed and qualified by the officer holding the election; the polls shall be opened and closed as in other elections, and the officer, holding the election, shall deliver to each person, so elected alderman, a certificate of his election. Election.

SEC. 11. *Be it enacted*, That it shall be the duty of the aldermen, so elected as aforesaid, on the Tuesday succeeding their election, to meet in said town, and after being qualified to the effect, that they will faithfully demean themselves as aldermen during their continuance in office; and thereupon, the said board shall organize themselves, a majority of whom shall constitute a quorum to transact business, and proceed to elect one of their body to preside as mayor for the current year, and until his successor is elected and qualified, and also a Officers.

recorder, constable and treasurer, the two latter of whom shall enter into bond and sufficient security, to be approved by the mayor, faithfully to collect and pay over, as required by the said board, all taxes, fines, forfeitures, &c., which may be due to said corporation; and the said recorder, constable and treasurer, shall respectively hold their offices for one year, and until their successors shall be appointed.

Vacancies.

Sec. 12. *Be it enacted*, That all vacancies in said board, and other offices in said corporation, shall be filled, for the residue of the term, by the board of aldermen in office; and the persons so appointed by them shall possess the same qualifications for office, as required in the tenth section of this act.

Duties of Constable.

Sec. 13. *Be it enacted*, That it shall be the duty of the constable faithfully to collect and pay over, on the first Mondays in January and July annually; all taxes, fines and forfeitures, due and owing to said corporation; and on failure, shall be liable on motion, before the circuit court for said county.

Boundaries.

Sec. 14. *Be it enacted*, That the bounds of said town shall be as follows, to wit: Beginning on the bank of Smith's Fork creek, in the boundary of P. C. Tally on the east and below said town; thence with the meanderings of said creek to the mouth of a spring branch, at the north-west corner of David S. Boyd's tan yard lot; thence with the boundary line on the west of said lot, and to its south-west corner; thence parallel with the main street and down to P. C. Tally's line; thence north with said line to the beginning.

Sec. 15. *Be it enacted*, That on failure of the sheriff to advertise, and hold the election for aldermen, at the proper time, it shall be lawful to hold the same at any time thereafter, on giving the legal notice.

Fees.

Sec. 16. *Be it enacted*, That the town constable shall have such fees for his services, as may be allowed him by the mayor and aldermen.

Sec. 17. *Be it enacted*, That this act shall go into effect from and after its passage.

JORDAN STOKES,  
Speaker of the House of Representatives.  
M. R. HILL,  
Speaker of the Senate.

Passed, February 10, 1852.

## CHAPTER CCLXXVIII.

AN ACT to incorporate the Chattanooga and Central Kentucky Railroad Company, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the formation of a company is hereby authorized for the purpose of constructing a railroad from Chattanooga northwardly to some suitable point on the state line in the direction of Danville, Kentucky, which company shall consist of stockholders, <sup>Incorporation.</sup> and when formed, shall be a body corporate by the name and style of "the Chattanooga and Central Kentucky Railroad company," and by such name shall have and enjoy, possess and exercise all the rights, powers, privileges and franchises, so far as the same are applicable, which the Nashville and Chattanooga railroad company have by the terms of an act passed 11th December, 1845, entitled "an act to incorporate the Nashville and Chattanooga railroad company," and be subject to the same liabilities and restrictions therein imposed, *Provided*, that each share shall entitle the owner thereof to one vote.

Sec. 2. *Be it enacted*, That the capital stock of said company shall be twenty-five hundred thousand dollars, to be divided into shares of one hundred dollars each, and John P. King of Augusta, Robert Collins of Macon, and Richard Peters of Atlanta, Georgia; Henry W. Conner and Ker Boyce of Charleston, South Carolina; <sup>Capital Stock.</sup> Lapsley of Alabama, J. Edgar Thompson of Pennsylvania; George L. Gillespie, J. J. Griffin, Reese B. Bradson, Joseph S. Gillespie, A. G. Welcker, Robert M. Hooke, Robert Cravens and James A. Whiteside of <sup>Commissioners.</sup> Tennessee, are hereby appointed a board of commissioners, who, or a majority of whom may, at such times and places, and upon such terms as they may think proper, dispose of or open books for the subscription of said stock, or appoint agents for the purpose, and who shall as to this road in all respects, have the power and perform the duties prescribed for the board of commissioners of the Nashville and Chattanooga railroad company, by the fourth section of the act aforesaid in relation to that road, and whenever the number of five hundred shares shall be subscribed, the company shall be considered as formed, as having a corporate existence as aforesaid, and the board of commissioners may proceed to survey the route of the road, and make an estimate of the cost of its construction; and when eight thousand shares shall have been subscribed, the board of commissioners shall appoint a time and place for the stockhol-

ders to meet, for the purpose of electing a president and twelve directors, to manage the affairs of the company; the president shall be elected as the other directors are by direct vote of the stockholders.

**Time to complete.** SEC. 3. *Be it enacted*, That the said company shall have ten years from the passage of this act to complete their road, and four years within which to commence it; nor shall it be a forfeiture of their charter if said road is not completed further than from Chattanooga to the Coal fields of White creek in Rhea county.

**Coosa and Chattooga river rail road.** SEC. 4. *Be it enacted*, That the Coosa and Chattooga river rail road company of Georgia, are hereby authorized and permitted to extend their road from the southern line of this state to Chattanooga, with all the rights powers, privileges and franchises given in this act to the Chattanooga Central Kentucky railroad company, subject to like restrictions and liabilities.

**Tennessee and Charleston Rail road.** SEC. 5. *Be it enacted*, That the formation of a company is hereby authorized for the purpose of constructing a railroad from some point on the East Tennessee and Georgia rail road, south of Athens, Tennessee, to to the North Carolina state line, in the direction of Clayton, Georgia, and Anderson, South Carolina; which company shall consist of the stockholders, and when formed shall be a body corporate, by the name and style of the Tennessee and Charleston railroad company, and by such name shall have and enjoy, possess and exercise all the rights, powers, privileges and franchises so far as the same are applicable, which the Nashville and Chattanooga rail road company have, by the terms of an act passed 11th December, 1845, entitled "an act to incorporate the Nashville and Chattanooga railroad company," and be subject to the same liabilities and restrictions, therein imposed, *Provided*, That the prohibition against granting a charter for any lateral or parallel road shall not be applicable to this charter, *And provided, further*, that each share shall entitle the owner thereof to one vote.

**Capital Stock.** SEC. 6. *Be it enacted*, That the capital stock of said company, shall be five hundred thousand dollars, and if that amount be insufficient to build the road, it may hereafter be increased, by the company to any amount deemed by them necessary for that purpose, to be divided into shares of one hundred dollars each; and S. A. Smith, H. M. D. McElrath, William W. Cowan, James A. Whiteside, Robert M. Hooke, T. Nixon Van Dyke, William F. Keith, John C. Gaut, Thomas H. Calloway, John Caldwell, John F. Hanner, Samuel Dunn and William Grant, are hereby appointed a board of commis-

sioners, a majority of whom shall be competent to act, <sup>Commissioners.</sup> who may, at such times and places, and upon such terms as they may think proper, dispose of, or open books for the subscription of said stock, and who shall, as to this road in all respects, have the powers and perform the duties prescribed for the board of commissioners of the Nashville and Chattanooga railroad company, by the fourth section of the act aforesaid, in relation to that road; and whenever the number of five hundred shares shall be subscribed, the company shall be considered as formed, as having a corporate existence as aforesaid, and the board of commissioners may proceed to survey the route of the road and make an estimate of the cost of its construction; and when twenty five hundred shares shall have been subscribed, the board of commissioners shall appoint a time for the stockholders to meet at Charleston, Tennessee, for the purpose of electing a president and six directors, to manage the affairs of the company. The president shall be elected as the other directors are, by a direct vote of the stockholders.

Sec. 7. *Be it enacted*, That the Chattanooga, Harrison, Georgetown and Charleston railroad company is hereby authorized and empowered to amalgamate its <sup>Power to trans-</sup> stock with, or transfer it to any railroad company, whose road connects therewith, which said amalgamation or transfer shall carry with it all the rights, privileges and benefits of said company. And any railroad company whose road connects with said Chattanooga, Harrison, Georgetown and Charleston railroad is hereby authorized and empowered to receive said amalgamation, assignment or transfer of stock as aforesaid, *Provided*, the same be done by the mutual consent of both companies, and the unanimous consent of the stockholders. *Provided*, That the governor shall not endorse the bonds of either of the companies mentioned in this act.

JORDAN STOKES,

*Speaker of the House of Representatives.*

M. R. HILL,

*Speaker of the Senate.*

Passed, February 26, 1852.

## CHAPTER CCLXXIX.

AN ACT to amend the several acts passed to incorporate the town of Knoxville, and for other purposes.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Tennessee,* That the Mayor and Aldermen of said town shall have power by ordinance within the limits of the corporation of the city of Knoxville to make regulations to prevent the introduction of contagious diseases in the said city, to make quarantine laws for that purpose and enforce the same to the distance of two miles from the limits of said corporation; to establish hospitals and make regulations for the government thereof; to establish a system of free and other schools, and to regulate the same; to open, alter, abolish, widen, extend, establish, grade, pave or otherwise improve, clean and keep in repair, streets, allies, and side walks, or have the same done, either with or without the consent of the owners; to license, tax and regulate grocers, pedlars, bank agencies, coffee houses, confectioners, hawkers, ten pin alleys, livery stable keepers, and negro traders; establish and fix the rate of wharfage; to licence, tax and regulate hackney carriage, carts, omnibusses, wagons and drays, and fix the rates to be charged for the carriage of persons and property within said corporation; to regulate the police of the city; to impose fines, forfeitures and penalties for the breach of any ordinance, and to provide for the recovery and appropriation of the same, and to appoint an officer or officers for the city, being a justice of the peace or recorder, before whom such recovery may be had; provided nothing herein contained shall be construed as a repeal of the authority heretofore given to the Mayor and Aldermen of said town, to try persons and impose fines upon persons guilty of an infraction of any ordinance; to provide for the arrest and confinement, until trial, of all rioters and disorderly persons within said city, by day or by night; to authorize the arrest and detention of all free negroes, slaves or suspicious persons found violating any ordinance of the city; to prevent and punish by pecuniary penalties or by imprisonment; all breaches of the peace, loud noise, sabbath breaking, or disorderly assemblies in any street, house or place in said corporation, by day or by night; to provide for the removal of all obstructions, from pavements or side walks, and to have the same paved at the expense of the occupants or owners of the ground fronting thereto, and said corporation shall have power to impose fines and penalties upon all

persons who shall refuse, when summoned to assist the officers of said city to arrest all persons found guilty of a violation of any of the ordinances of said corporation, or who shall refuse to aid said officers in suppressing any riot in said city, when summoned so to do; to pass all laws and ordinances necessary and proper to carry into full effect the power given to said corporation by this and former acts. Said mayor and aldermen shall have power to elect their officers, to wit: one or more town marshals to perform the duties heretofore done by the town constable, subject to be removed at the pleasure of a majority of the whole board. That the said corporation of the city of Knoxville, shall have power to borrow money on its bond for any object that its authorities may determine to be important to the promotion of its welfare, which is not made improper by existing laws, *Provided*, the sum borrowed does not exceed thirty thousand dollars, or bear interest for more than six per cent. per annum. That said corporation shall have power to subscribe for stock in any railroad or turnpike road company and pay for the same with its bonds or otherwise in addition to the above sum of thirty thousand dollars above specified, provided that in all cases of borrowing money by said corporation for improvements and issuing bonds, to pay for the subscriptions to railroad or turnpike road companies, or the making of said subscriptions for stock shall only be authorized when a majority of the freeholders of said corporation shall give their assent to the same, by casting their votes at an election for that purpose, at the court house in the city of Knoxville, ten days public notice of the time and place having been given; all laws heretofore passed coming in conflict with the provisions of this act, are hereby repealed.

**Sec. 2.** *Be it enacted*, That the mayor and aldermen and recorder be and they are hereby authorized to receive for their services the same compensation as justices of the peace are authorized to receive for like services under the small offence laws of this state.

**Sec. 3.** *Be it enacted*, That the provisions of this act shall not be so construed as to authorize said corporation in opening, widening or extending any street of said city to take the property of any citizen or owner without giving to him just compensation therefor; and this compensation shall be ascertained and determined in the same manner and by the same proceedings as are directed to be pursued by the different acts incorporating the city of Nashville, and this compensation so given, if any be allowed, ascertained and determined as

aforesaid, shall be paid or tendered to the owner, or if he be a nonresident, deposited for him with the clerk of the circuit court for the county of Knox, before such street shall be opened, widened or extended.

**New Market,** SEC. 4. *Be it enacted,* That the town of New Market in Jefferson county, shall be allowed a justice of the peace, who shall reside within the corporate limits of said town, and be elected by the qualified voters thereof, and be clothed with same power as other justices have.

JORDAN STOKES,  
*Speaker of the House of Representatives.*  
M. R. HILL,  
*Speaker of the Senate.*

Passed, February 27, 1852.

## CHAPTER CCXLXXX.

AN ACT to incorporate the Memphis and Macon Plank road company, and for other purposes.

**Incorporation.** SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That W. C. Anderson, O. M. Alsop H. T. Jones, L. D. Mullins, W. J. Robins, J. S. Abernathy, R. H. Cranch, and all other persons who may become stockholders pursuant to the provisions of this act, shall be and they are hereby constituted a body corporate and politic, by the name and style of the Memphis and Macon plank road company, and by that name may sue and be sued, plead and be impleaded, shall have a corporate seal and succession for ninety nine years.

**Open Books.** SEC. 2. *Be it enacted,* That the persons named in the first section of this act, or any five of them, are hereby appointed commissioners to open books, to receive subscriptions for stock in said company, at such times and places as they may deem most suitable, said books to be opened within six month from the passage of this act, and commissioners are authorized to receive such subscriptions in money, materials or labor, to be valued at cash valuation by disinterested persons appointed by the parties concerned, and such valuation shall be deemed as so much stock in said company. If the whole extent of said road shall not be taken in labor and materials, the residue may be let out for construction to

the lowest bidder at public or private lettings, by directors elected by the stockholders or other authorized agent or agents.

Sec. 3. *Be it enacted*, That the capital stock of said company shall be one hundred thousand dollars, with the privilege of increasing the same, to an amount sufficient to complete said road; and that said capital stock be divided into shares of fifty dollars each, to be applied in the construction and keeping in repair a turnpike road, beginning at the point where the Macon road at present intersects the Memphis and Sommerville plank road and extending eastwardly to the town of Macon in Fayette county. Capital Stock.

Sec. 4. *Be it enacted*, That when twenty thousand dollars shall be subscribed, a meeting of the stockholders may be held at such place as said commissioners may appoint, of which due notice shall be given to the subscribers, and when convened may proceed to elect five directors, who shall be stockholders, and three of whom shall constitute a quorum to do business, to pass by-laws and organize the company and commence the construction of said road, and so soon as five miles of said road shall be completed, the said president and directors shall have the power to erect one toll gate, and for every additional five miles completed by said company, they may erect an additional gate, at each of which they are authorized to charge and receive the same rates of toll allowed to be charged by the Memphis and Sommerville plank road company, and it shall not be lawful to open or construct any other road to run parallel to, and so near the said turnpike as materially to injure the same. Tolls.

Sec. 5. *Be it enacted*, That at the first meeting each stockholder shall be entitled to one vote for every share of stock subscribed by him. The directors so elected shall elect one of their number president, one secretary, and another treasurer, and it shall be the duty of the president and directors to have said road constructed, and shall have the entire management of the same.— They shall hold their offices for one year and until their successors shall be elected, and said election shall be held on the first Saturday in January in each year, and it shall be the duty of the president and directors to give at least ten days notice of the time and place of holding such election. Elections.

Sec. 6. *Be it enacted*, That for the purpose of making said road and keeping it in repair, the directors or their agents may cut and dig and take from the lands of any person within one mile of said road, such and so much Damages.

timber and earth as may be necessary to make and repair the necessary bridges and embankments on said road, and if any person or persons over whose land said road may pass, or from whose land such materials may be taken, shall desire compensation therefor, and in the event they cannot settle and agree with the said directors as to the damages done their lands, or the value of such materials so taken, he, she or they may apply to any county or circuit court in the county where the land lies, who shall appoint three disinterested freeholders, whose duty it shall be to estimate the value of such materials or the damages so occasioned, and make out a report in writing to the court, taking into view always the advantages and disadvantages of said road to said lands; and it shall be the duty of said courts on confirming the report, to give judgment in favor of such applicant against the said company for the amount of the damages assessed in said report.

Style of road.

SEC. 7. *Be it enacted*, That said road shall be graded at least twenty feet wide, with sufficient ditches on either side to carry off the water and drain the same, with an elevation of not more than three degrees at any point on said road, and one side of the road to be covered with plank three inches thick and ten feet long.

Penalty for road out of repair.

SEC. 8. *Be it enacted*, That should said road not be kept in good repair for twenty days in succession, it may be lawful for any person to apply to a justice of the peace in the vicinity of said road, and inform him of the condition of the road, and it shall be the duty of said justice of the peace to appoint three disinterested freeholders to examine said road and to report upon oath, and if they so report or any two of them, that the road is not in good repair as required by this act, the said justice of the peace shall direct the constable to open the nearest gate and stop the collection of toll at said gate, until the same shall be fully repaired, when the said justice of the peace or his successor shall order the gate to be closed, and the said company shall pay the cost of this proceeding, but if it shall appear that the road is in good repair as required by this act, the case shall be dismissed at the cost of the informant.

Penalty for refusing toll.

SEC. 9. *Be it enacted*, That if any person shall refuse or neglect to pay the toll hereby granted, but shall pass said gate, without paying the same, the toll gatherer may lawfully refuse to such person a passage, and said toll gatherer may by warrant from any justice of the peace, recover from such person so refusing, the sum of five dollars for each offence for the use of the company, and if any person shall travel on said road

and come near to a toll gate, and then turn off the same and go around the gate and return to said road beyond such gate for the purpose of avoiding the payment of toll, he shall be subject to the same liabilities as set forth in this section concerning persons passing such gate and refusing to pay his toll.

SEC. 10. *Be it enacted*, That the stockholders shall have the right of transferring their stock by sale, gift, or otherwise, as they may desire, and the assignee or assignees of said stock so transferred, shall be entitled to all the rights, privileges and immunities, and subject to all the responsibilities and liabilities of the original members of the company. May transfer stock.

SEC. 11. *Be it enacted*, That the charter of the Memphis and Sommerville plank road be so amended, that whenever any consecutive portion of five miles of said road is completed, the county court of Shelby county shall appoint three commissioners to examine the same, and on their report that it has been completed in accordance with their charter, the court, shall issue an order for the toll gate to be erected by said company. Memphis and Sommerville plank road.

SEC. 12. *Be it enacted*, That the charter of the Memphis and Sommerville plank road company be so amended that the said company be required to open their said road thirty feet wide including ditches, and with a plank track not less than ten feet wide, and the road to be well graded. State of road.

SEC. 13. *Be it enacted*, That a body politic and corporate is hereby constituted, by the name of the Pulaski and Lawrenceburg turnpike company, for the purpose of constructing a turnpike or McAdamized road from Pulaski to Lawrenceburg, which company shall have all the powers and privileges, and subject to the restrictions set forth in the Franklin turnpike company. Pulaski and Lawrenceburg turnpike.

SEC. 14. *Be it enacted*, That R. M. Bugg, F. T. McLauren, Noah Hancock, S. M. Bently, B. M. Moore and T. D. Deavenport, be and they are hereby appointed commissioners to procure the stock in said company, and the capital stock shall be such an amount as may be necessary to construct said road, which shall be settled by the president and directors of the company when elected. Commissioners.

SEC. 15. *Be it further enacted*, That a company is incorporated to construct a turnpike road from McMinnville to the Nashville and Chattanooga railroad, at such point as they think proper, with all the rights, powers and privileges and subject to all the restrictions of the McMinnville and Woodbury turnpike company; the above company when formed, shall be called the McMinnville and Woodbury turnpike.

McMinnville turnpike company, and A. J. Marchbank, L. D. Mercer, S. D. Rowan, J. P. Thompson, E. Pendleton and Gen. Wm. Smartt are appointed commissioners for the above company, to get up the stock, &c.

JORDAN STOKES,

*Speaker of the House of Representatives.*

M. R. HILL,

*Speaker of the Senate.*

Passed, February 26, 1852.

## CHAPTER CCLXXXI.

AN ACT to incorporate the East Tennessee Mutual Insurance company, and for other purposes.

*Incorporation.* SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That W. Brazelton, Perez Dickinson, Campbell Wallace, A. G. Jackson, James M. Toole, William Houston and George L. Gillespie and their associates and successors, shall be a corporation under the name and style of the East Tennessee Mutual Insurance company, and shall keep their office at such place as may be agreed upon by the officers therein provided for, and shall elect their own officers, and shall enjoy all the privileges and powers incident to such corporations.

*Scale of voting.* SEC. 2. *Be it further enacted,* That at all meetings of said corporation, every matter shall be decided by a majority of votes, each member holding a policy for one year or longer, being allowed one vote, and if his policy exceeds one thousand dollars an additional vote for every thousand, *Provided,* That insurers under open policies shall be entitled to vote in proportion to the amount actually insured under their policies, and, *provided,* further that no insurer under an open policy shall be entitled to more than ten votes, with the right of voting by proxy; and such corporation may choose such officers and for such length of time, as they may deem necessary, but no policy of insurance shall be issued by said company until the sum subscribed to be insured shall amount to fifty thousand dollars.

SEC. 3. *Be it further enacted,* That said corporation may insure for any time not exceeding ten years, any houses, goods or other species of property, against loss or damage by fire or water, and the lives of slaves against death, such damage, loss or death not result-

ing from the carelessness, negligence or design of the party insured, and to any amount not exceeding three fourths of the value of the property; property on ship-board or in storage not subject to this limitation, and not exceeding ten thousand dollars on any one block of buildings or stock of goods. Said corporation shall further have the power of insuring the lives of white persons for any term of years, or for life; may grant annuities and make any and every contract in which the risk of life shall be a part thereof; and said corporation shall further have the right and power to make the sum insured in any life policy payable to the wife of the person insured, or to his wife and children, and in those cases the sum insured shall be payable to the said wife, or wife and children, as the case may be, for their sole use and benefit, free from the claims of the representatives or the creditors of the party insured, *Provided*, the annual premium shall not exceed three hundred dollars. The directors of said corporation are hereby further empowered, at any time, to make the insurance of the lives of white persons, and the granting of annuities, separate departments of their business, and all the contracts, liabilities, claims, receipts expenditures, and investments of the life department, shall be distinct from the other business of the corporation as much as if they belonged to another company, and the officers of said corporation shall invest the funds belonging to the life department only in stocks belonging to the United States, or in bonds and mortgages on unincumbered real estate, worth in the opinion of the directors at least four times the amount loaned thereon.

Insurance to give  
to wife and chil-  
dren.

SEC. 4. *Be it further enacted*, That whenever said corporation shall make insurance on any property, the member so insured shall pay the required premium in cash, or give his note or bond well secured for the amount of the insurance money, payable one day after date, and shall deposit in money with the treasurer of the corporation at least ten per cent. of said note, which shall be entered as a credit thereon, and the funds thus raised may be applied to the ordinary expenses of the corporation, and the directors may at any time thereafter, when the liabilities of the company require it, collect such further sums as may be necessary, by making assessments on said notes, in proportion to the original amount of each note, giving thirty days notice by mail to each member.

How insurance  
paid.

SEC. 5. *Be it further enacted*, That whenever any person shall sustain any loss of the property so insured, he shall, within thirty days after his knowledge of said loss,

How loss ascer-  
tained.

and in case of real estate, before any repairs or alterations are made, give notice in writing of the same to some one of the directors or other person appointed by the directors, whose duty it shall be to view, immediately, the premises where the loss occurred, or otherwise make satisfactory inquiries into the circumstances attending it, and under oath, determine in writing by him subscribed, the amount, if any, of the liabilities of said corporation for such loss, and if the sufferer shall not acquiesce in such estimate, he may within sixty days after, he is so notified of the estimate, bring an action at law against said corporation; if in this action he shall not receive as damages more than the amount estimated as aforesaid, he shall be liable for all costs incurred in the suit and execution shall issue against the corporation only for such amount as may be allowed, after deducting said costs of suit, but if the amount allowed be greater than the estimate, then the corporation shall be liable for all the costs of suit.

Powers.

SEC. 6. *Be it further enacted*, That if said corporation shall be entitled to hold real and personal estate to any amount necessary for the purposes of the same, shall have and use a common seal, and shall have power to make such by-laws, rules and regulations as may be thought proper, not repugnant to the laws of this state.

SEC. 7. *Be it further enacted*, That if said corporation shall make insurance on any property, the interest of the person insured in said property shall be held as security for the payment of the deposit note given to the corporation, and the policy of the insured shall, from the time that it issues, create a lien on said property, and no transfer of the said property shall affect the said lien. *Provided*, it shall be expressed in the policy that the insurance is made subject to such lien.

Forfeiture of  
policy.

SEC. 8. *Be it further enacted*, That if any member of said corporation obtaining insurance, or in case of his death, his legal representatives shall refuse or neglect to pay any assessment within thirty days after the demand be made on any instalment in his deposit note, he shall be liable to a suit therefor by the corporation in any court having competent jurisdiction, and also the liability of the corporation for the policy under which the payment is withheld, shall be suspended until said payment is made, and if said payment is not made within six months, the said policy shall be to all intents and purposes, forever forfeited.

SEC. 9. *Be it further enacted*, That any three of the persons herein named as incorporators, may call the first

meeting by advertising the same for three successive weeks in one public journal in Knoxville.

Sec. 10. *Be it further enacted*, That any person insured shall have the right to return his policy and demand his note at any time before it would expire by its own limitation, *Provided*, there is no unpaid assessment upon the note or losses unpaid for.

Sec. 11. *Be it further enacted*, That all laws and parts of laws militating against this act, be and the same are hereby repealed..

Sec. 12. *Be it further enacted*, That there shall be established at Paris, an insurance and life and trust company, which shall be a body politic and corporate, to be called the Mutual Protection and Fire Insurance and Life and Trust company of Paris, of which B. C. Brown, C. M. White, Wm. H. Thompson, J. C. McNeil, J. W. Blanton, Jas. Oakly, L. M. Tharpe, J. H. Dunlap, James Wortham, Robert Azcock, Shelburn Loving, T. W. Crawford, James Young, Nathaniel Ewing, Cornelius Priden, John C. Pater, J. S. Dawson and R. D. Caldwell, shall be the first trustees and directors, and shall have power to select other persons as may hereafter associate with them by having their property or lives insured, and shall be members equally entitled to a full participation in all dividends.

Mutual Protection and Fire Insurance and Life and Trust company of Paris.

Sec. 13. *Be it enacted*, That it shall be the duty of the mutual trustees mentioned in the twelfth section of this act, or the duty of any five of them, within two years from the passage of this act, to open a book and receive application for insurance, to be offered to them, amounting to fifty thousand dollars, the books may then be closed and the company organized; it shall be the duty of said trustees or any five of them, to appoint three inspectors of the first election.

Open Books.

Sec. 14. *Be it enacted*, That should said company deem it proper, the capital stock of said company shall be one hundred thousand dollars, to be increased at the pleasure of the stockholders to two hundred thousand dollars, to be divided into shares of fifty dollars each, and shall have perpetual succession and continue the term of thirty years.

Capital stock.

Sec. 15. *Be it enacted*, That said company shall have all the powers and privileges and be subject to the same rules, regulations and restrictions, as are contained in an act passed the 29th day of December 1847, chapter 43, incorporating the Mutual Protection Insurance Company of Nashville, except where publication is required to be made, then such publication shall be made as directed by said company, and the individual property,

Powers and privileges.

both real and personal, of the stockholders in said company, shall be held and bound for the payment of the debts of said corporation to the amount of his or her stock in said corporation, but no further, and the same powers, rights and privileges, granted to the Knoxville Marine Fire Insurance and Life and Trust Company by an act passed January 17th, 1838, chapter 206, be and the same as far as applicable are hereby extended to the said company herein incorporated at Paris.

**Bonus.** Sec. 16. *Be it further enacted,* That the companies hereby chartered shall for the privileges herein conferred pay one quarter of one per cent. on their capital, which shall be applied to school purposes.

**Metropolitan Hotel Co** Sec. 17. *Be it enacted,* That Thomas Washington, John Kirkman, John B. Johnson, Alexander Porter, Matthew Watson, George W. Campbell, Thomas Eakin, and such other persons as may become shareholders of the capital stock of the company hereby incorporated, and their successors to the rights hereby conferred, be and the same are hereby constituted a body politic and corporate by the name and style of the Metropolitan Hotel company, and the said stockholders shall have succession, and by their corporate name may sue and be sued, plead and be impleaded, contract and be contracted with, purchase and dispose of real and personal property, for the benefit of said corporation, and may have and use a corporate seal.

**Organization.** Sec. 18. *Be it enacted,* That the members of said corporation (after the same shall have been organized,) shall have power to hold their first election for a board of directors, at any time that they may think proper, after one third of the stock shall have been subscribed, and on the first Monday in May of each year following, which board of directors shall consist of five or seven as the stockholders may determine, all of whom shall be stockholders in said company, and said directors shall elect from out of their own body, a president to serve for said fraction of the first year, and annually thereafter; said president and directors shall have power to pass all by-laws necessary for the government of said corporation, and shall appoint a secretary and treasurer; and may require bond and security from said treasurer, and should a vacancy occur in the board or in any of the offices created by the board, by death, resignation, removal, or otherwise, the said president and directors shall have power to fill such vacancies.

**Quorum.** Sec. 19. *Be it enacted,* That a majority of said directors shall constitute a quorum to do business, and in the absence of the president the board may appoint

one of their board pro tem, who for the time being shall be clothed with all the powers and privileges as the president, under this act. Said board of directors shall have power to meet upon their own adjournments, and should a call meeting or meetings be at any time necessary, a majority of the shareholders shall request the president, or in his absence the secretary, and in the absence of the latter, anyone of the directors to call said board together, which request shall be in writing, and the said president, and the said member or secretary, when so requested, shall notify the members of said board, and state the time and object of the meeting.

SEC. 20. *Be it enacted*, That the directors shall be elected by the votes of the stockholders, one share shall be entitled to one vote, from one to four shares, two votes; from four to seven shares, three votes; from seven to ten shares four votes; from ten to fifteen shares, five votes; from fifteen to twenty shares, six votes; from twenty to thirty shares, seven votes; from thirty to forty shares, eight votes; from forty to fifty shares, ten votes; and for each five shares above fifty, to one vote; and no stockholder shall in his own right be entitled to more than twenty votes for any number of shares; at any election of directors, the five persons, (or seven as may be agreed on) receiving the highest number of votes, shall be considered elected, whether the number of votes given for any of them be a majority of the votes given or not. Scale of voting.

SEC. 21. *Be it enacted*, That the capital stock of said company shall be the sum of one hundred and fifty thousand dollars, to be divided into shares of one hundred dollars each; but the amount of said capital stock may from time to time as the said directors may think it expedient, be increased to any sum not exceeding two hundred thousand dollars. Capital Stock.

SEC. 22. *Be it enacted*, That it is the intent of this act of incorporation, to authorize and empower said company to erect in the city of Nashville, a public hotel, and such other buildings convenient and appurtenant thereto as would be likely in the opinion of the said directors to promote the prosperity and usefulness of the same, and to that end the said board of directors shall have power to purchase suitable grounds for the site of said hotel and other buildings, to determine what buildings and improvements shall be erected on said site, to prescribe the plan thereof, to contract for the construction of the same, to lease the same when completed, to collect the rents, to superintend and make Intent and power.

contracts for the necessary repairs of the premises from time to time, during their occupation as the property of said company.

SEC. 28. *Be it enacted*, That the said board of directors shall not have power, by any act of theirs to bind any stockholder, beyond the amount of his stock, and the issues and profits thereof.

Dividends.

SEC. 24. *Be it enacted*, That it shall be the duty of said board of directors to make dividends of the profits of the establishment among the stockholders, in proportion to the amount of stock held by each, unless said directors shall determine, (as they may) to expend said profits in additions and further improvements to said buildings.

When stock for-  
feited.

SEC. 25. *Be it enacted*, That if any shareholder of said capital stock shall at any time refuse to pay any installment due for his share or shares, within ninety days from the time the same has become due and payable the said directors may cause an action at law to be commenced for the same, in the name of said corporation; or they may, at their election, cause the stock of said delinquent stockholder to be forfeited to the company.

Transfer of stock.

SEC. 26. *Be it enacted*, That no share or shares of said stock shall be transferable without the assent of the board of directors thereto, unless the whole amount of shares is paid, and the share or shares of any stockholder may be sold by execution at law, upon any judgment obtained in favor of said company, and the purchaser shall hold the same with all the incidents and privileges thereto attached in the hands of the original holders.

SEC. 27. *Be it enacted*, That no delay in procuring said capital stock to be taken shall work a forfeiture to this charter, nor shall it be forfeited by an omission to elect said board of directors on the days above specified, until after the first election of directors, and organization of said board pursuant thereto.

Commissioners  
to open books.

SEC. 28. *Be it enacted*, That Thomas Washington, R. G. Smiley, John Kirkman, Wm. F. Cooper, J. B. Johnson, and T. D. Scott, be appointed commissioners to open books, first giving notice in some newspaper printed in the town of Nashville, for subscriptions for stock in said company, any three of whom may be sufficient to act as such.

SEC. 29. *Be it further enacted*, That the foregoing charter be, and the same is hereby substituted in lieu of an act for a similar object, passed on the 5th of Feb-

ruary 1848, which act has not expired, but is deemed insufficient for the purposes contemplated.

SEC. 30. *Be it further enacted*, That a company to be called "the Shelbyville Gas Light company" be and the same is hereby established and incorporated with a capital of fifty thousand dollars, or so much as may be necessary for the purpose of carrying on the business of said company, to be subscribed for, by individuals, companies or corporations, in shares of twenty-five dollars each, and that Robert Matthews, Thomas M. Caldwell, George Davidson, Jno. F. Neil. and James G. Barkadale, or a majority of them, or such agent, as they or any one of them may appoint, may open books for the subscription of stock and receive subscription for stock, at such times and places as they, or any one of them may designate, that when a sufficiency of stock may be subscribed, that the stockholders elect seven of their number directors of said company, who shall continue in office for twelve months, and until their successors are elected and qualified, and elections thereafter, shall be annually held for directors; said directors shall elect one of their number president, with such compensation as the board of directors may deem proper.

SEC. 31. *Be it further enacted*, That said company be chartered in all other things so far as applicable, as contained in an act of the present session of the legislature, entitled "an act to incorporate the Memphis gas light company."

JORDAN STOKES,

*Speaker of the House of Representatives.*

M. R. HILL,

*Speaker of the Senate.*

Passed, February 25, 1852.

## CHAPTER CCLXXXII.

AN ACT to charter the Charlotte and Jones' Creek Turnpike Company, and for other purposes.

**INCORPORATION.** SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That Joab Hardin, A. W. Vanleer, Wm. H. Napier, Thomas Overton, Daniel Leech, Jas. J. Wiley, Robert McNeilly, E. E. Larkins, Thomas McNeilly, John C. Collier, F. M. Brinkley, Montgomery Bell, John Corlieu, William Dodson and W. J. Mathis, together with such other persons as may subscribe stock, or so many of the above as may make up a sufficient amount of stock, be and they are hereby constituted a body corporate and politic, for the purpose of making and keeping in repair a turnpike road from the western terminus of Samuel W. Adkison's road to the town of Charlotte, in Dickson county, a distance of about twelve miles.

**STYLE OF ROAD.** SEC. 2. *Be it enacted,* That said company shall be known by the name of the Charlotte and Jones' Creek Turnpike Company; and, that it shall be the duty of said company to open said road so as to average twenty feet in width, clear of timber and other obstructions, and to be graded six degrees or less, and to be thrown up in the centre, so that it will turn the water off, and such places as will not become firm by using, they are to gravel, so that the travel will not be impeded thereon.

**BRIDGE.** SEC. 3. *Be it enacted,* That the company shall also build a good substantial bridge across Jones' creek, and make said road as near where the old road now runs as is practicable.

**ELECTION OF DIRECTORS.** SEC. 4. *Be it enacted,* That Joab Hardin, Robert McNeilly and Thomas Overton, are hereby appointed commissioners to open books for subscriptions of stock, in shares of fifty dollars each; and as soon as three thousand dollars or more are subscribed, a meeting of the stockholders shall be held at the court house in the town of Charlotte, of which meeting said commissioners shall give fifteen days notice, at the court house door, in the town of Charlotte, and at the first meeting of the stockholders they shall elect five directors, (each share of fifty dollars being entitled to one vote,) who shall be stockholders, and said directors shall elect one of their members president of the board, and the president and directors, thus chosen, shall continue in office for two years, and until their successors are similarly chosen.

SEC. 5. *Be it enacted,* That the president and directors, thus chosen, shall have power to open books, and receive subscriptions for an amount of stock sufficient:

to construct said road and bridge, and to purchase land, <sup>Open Books.</sup> and build a house or houses for turnpike gates; and the said president and directors shall also have power to purchase and hold land, and other property, in the name of the company, for the use of the road, and take titles to the president and directors and their successors in office; they may also sue and be sued, plead and be impleaded. The president and directors, together with such other person or persons as they may employ, or by themselves, if they think proper, shall view and mark out the road, locate the bridge and gate or gates, and do every thing necessary to complete said road and bridge, and keep the same in repair.

SEC. 6. *Be it enacted,* That it shall be the duty of the <sup>Call of Stock.</sup> president and directors, immediately after their election and organization, to advertise at the court house door, in the town of Charlotte, for twenty days, the amount called for on each share subscribed, and the time and place of payment, and if any stockholder shall fail or refuse to pay in the call required on his stock, the president and directors shall have power to sell the stock of such delinquent stockholder to the highest bidder, after having advertised the same for ten days, at the courthouse in Charlotte, and the purchaser thereof shall have all the rights, and be subject to all the liabilities of the original owner; and if the stock does not bring the amount of the call, the original owner shall be liable to be sued for the balance before any jurisdiction having cognizance thereof, and if it brings more than the call and cost, the surplus shall be paid over to the original owner, and if any one of the board shall fail or refuse to pay in his call, then he is to be proceeded against as above, by the other members of the board; and if it be the president, said failure or refusal shall operate as a forfeiture of his office; whereupon said directors are to elect one of their number president of the board, who shall hold his office until the next regular election of directors. Whereupon, the board, thus organized, shall proceed against the delinquent president as above.

SEC. 7. *Be it enacted,* That the president, and any two of the directors, shall be a quorum to do business, <sup>Quorum and powers.</sup> and the said directors shall have power to fill all vacancies that may happen in the board, until the next regular election of directors; and said board shall elect a secretary, whose duty it shall be to keep the books of the company; to issue certificates of stock to the stockholders, which shall be signed by the president, and counter-signed by the secretary, which shall be transferable by assignment in writing, and shall impose on

the assignee all the liabilities, and confer upon him all the privileges of the original owner, which transfer shall be entered on the books of the company; and said board shall also elect a treasurer of the company, who shall disburse the money under the direction of the board, and he shall also give bond and security, from time to time, in such sums as the board may direct, payable to the president, and his successors in office, for the use of the company, for the faithful custody and disbursement of the funds of the company under the direction of the board.

Damages.

Sec. 8. *Be it enacted*, That if any person, over whose land the road may run, or from whose land the materials may be procured for the construction and repairs of said road and bridge, claims damages, and he, she or they, and the board of directors cannot agree on the amount, he, she or they may apply to the circuit court of Dickson county, by petition, setting forth the nature of the case; whereupon it shall be the duty of the court to appoint a jury of five disinterested men to go upon the ground and, after being sworn by the sheriff, to assess the amount of damages, which in their judgment, the petitioner or petitioners have sustained; whereupon they shall make due examination, and make out and sign their award of damages, if any, and return the same to the next term of said court, at which term a judgment shall be rendered for the amount and costs, and execution issued for the same against the president and directors of the company, and in favor of the person or persons entitled to the same. In making out their report, the said jury shall always take into consideration the advantages of said road to the petitioner.

Sec. 9. *Be it enacted*, That the property in said road shall vest in said company and their successors, their heirs and assigns, for the purpose of a highway, which shall be free for all persons on the terms and conditions herein prescribed.

Commissioners  
to view road.

Sec. 10. *Be it enacted*, That as soon as the company shall have completed the road from the western terminus of S. W. Adkison's road to Jones' creek, (a distance of about seven miles,) it shall be the duty of the board of directors to apply to the county court of Dickson county, to appoint commissioners to examine the same. Whereupon it shall be the duty of the court to appoint three commissioners, who are entirely disinterested, whose duty it shall be to examine said road, and if they are of opinion that the same is in the condition contemplated by the charter, they shall report the same to said court, which report shall be in writing,

signed by said commissioners; and upon the return thereof the said court shall give to the president and directors a certified copy of the same, which shall authorize them to erect a toll-gate, at which they shall be allowed to charge the same amount of toll that is now charged at either of the toll-gates on the Nashville and Charlotte Turnpike Road; and as soon as the company shall have finished the road from Jones' creek to Charlotte, and the bridge across the creek, the president and directors shall again petition the said county court to appoint commissioners for the inspection of said road; whereupon the court shall appoint three commissioners, who shall examine said road and bridge, and report to the court in like manner as the first: whereupon it shall be the duty of the court to issue a certified copy of said report to the president and directors, which shall authorize the company to erect one other gate, at which the same toll shall be collected as at the first gate, or they may charge double toll at the first gate, as they may choose.

SEC. 11. *Be it enacted*, That upon the complaint of Penalty for road out of repair. any two persons, on oath before the county court of Dickson county, that the said road or bridge is out of repair, so that traveling is impeded thereby, the said court shall appoint three commissioners, entirely disinterested, who shall examine said road and bridge, and if they find the road or bridge out of repair, they shall report the same to the court; whereupon said court shall make an order, that said gate or gates shall be and remain open, and that traveling shall be free on the same until the road or bridge is put in repair, and said commissioners shall be paid one dollar each per day by the company, if they report that the road or bridge is not in repair, but if they report that the same are in repair, the complainants shall be taxed with the costs, and the company shall pay the commissioners who first examine the road one dollar each per day, and pay the costs in the county court.

SEC. 12. *Be it enacted*; That the board of directors, a majority being present, may pass such by-laws for their By-laws. government as they may deem proper, not inconsistent with this charter, and the president and directors shall have all the rights and privileges for the collection of tolls that is now enjoyed by the Nashville and Charlotte Turnpike Company.

SEC. 13. *Be it enacted*, That if any person or persons Penalty for obstruction. shall obstruct said road or bridge in any way whatever, he or they shall be subject to indictment before the grand jury for Dickson county, and upon conviction

before the circuit court for said county, shall be fined a sum not less than five nor more than fifty dollars. After the road and bridge are completed, the board of directors may, from time to time, declare such dividends as they may deem right and proper.

**La Vergne and Stones River Turnpike.** SEC. 14. *Be it enacted*, That Beverly Nelson, William Mason, Levi White, Moses Buchanan and Thomas Mabry, be, and they are hereby appointed commissioners to open books and receive subscriptions, at such time and place as they may designate, to construct a McAdamized road from a point on the Nashville, Murfreesboro' and Shelbyville Turnpike, at or near where the Nashville and Chattanooga Railroad crosses the same, about fifteen miles from Nashville, to Stone's river, at or near Buchanan's mill, to be called the La Vergne and Stones River Turnpike Road. The capital stock of the company shall be twelve thousand dollars, divided into shares of twenty dollars each. As soon as five thousand dollars of the stock shall be subscribed, the commissioners shall call a meeting of the stockholders at La Vergne, or Buchanan's mill, by giving twenty days notice at three or more public places, in writing, and the stockholders may proceed to elect five directors, one of whom shall be president, and they shall hold their office for two years, and until their successors are elected. The road shall be graded within five degrees of a level—of the second class order of turnpikes—sixteen feet wide, with ten or twelve inches of stone or gravel, and have one gate on it, at such place as the company may agree; and they shall be entitled to receive such rates of toll at said gate as are now by law allowed on such roads; and the company may enjoy all the rights and immunities, and be subject to all the liabilities as are by law now enjoyed by such turnpike companies.

**La Vergne and Rock Spring Turnpike.** SEC. 15. *Be it enacted*, That George Betty, John Britton, A. Rushing, John Hill and H. Walden, be, and they are hereby appointed commissioners, to open books and receive subscriptions to construct a McAdamized turnpike road from La Vergne, at or near where the Nashville and Chattanooga Railroad crosses the Nashville, Murfreesboro' and Shelbyville Turnpike, to Rock Spring, to be called the La Vergne and Rock Spring Turnpike Road, under the same rules, regulations, &c., as are provided for the La Vergne and Stones river turnpike company, as recited in the foregoing section.

**Williamson and Marshall Turnpike.** SEC. 16. *Be it further enacted*, That the 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33 and 34th sections of an act passed 17th January, 1850, incorporating the William-

son and Marshall Turnpike Company, be and the same are hereby revived.

JORDAN STOKES,  
*Speaker of the House of Representatives.*  
 M. R. HILL,  
*Speaker of the Senate.*

Passed, February 10, 1852.

## CHAPTER COLXXXIII.

AN ACT to amend and reduce into one the several acts for the administration of insolvent estates.

*Be it enacted by the General Assembly of the State of Tennessee, as follows:*

### GENERAL PROVISIONS.

SEC. 1. No executor or administrator shall pay any debts of the deceased until after the expiration of six months from the grant of his letters. But if he knows, or is willing to undertake, that an estate is solvent, he may pay debts as heretofore; but, if he pays any debts within six months, and the estate proves insolvent, he shall be liable to each and every creditor for his ratable share of the insolvent estate.

Debts of deceased not to be paid within 6 months.

SEC. 2. Insolvent estates of deceased persons shall be divided among the creditors ratably; and no action brought; judgment, bill single, or note of hand shall have precedence over unliquidated accounts, presented and filed, authenticated according to law,—but all such claims shall be acted upon as being of equal grade.

Insolvent debtors to be divided ratably.

SEC. 3. To carry this principle into execution, exclusive jurisdiction is conferred on the county court of the administration of all insolvent estates, not exceeding the value of one thousand dollars: and concurrent jurisdiction with the chancery court of all other estates. This jurisdiction shall be exercised by the following

Jurisdiction.

### PROCEEDINGS IN THE COUNTY COURT.

SEC. 4. When any executor or administrator ascertains that the estate committed to his charge is insol-

Suggestion of insolvency by rep.

vent, he shall make suggestion thereof to the clerk of the county court, or his legally appointed deputy.

*By creditors.* SEC. 5. Any creditor of the deceased may make said suggestion; but, if he make it falsely and fraudulently, and, on distribution of the estate among the creditors, a balance thereof remain to be distributed among the heirs or distributees, such distribution shall be made by the executor or administrator as is now pointed out by law. And the person filing the suggestion, shall be subjected to all costs arising to the estate thereby, to be recovered on motion of the administrator or executor in the county court; and, as evidence of the fact, the certificate of the clerk may be produced and read.

*Notice to creditors to file claims* SEC. 6. The clerk, upon such suggestion made, shall make an order upon the executor or administrator, to give notice by advertisement in some newspaper, published within the State, and also at the court house door of the county, for all persons having claims against said estate, to appear and file the same authenticated in the manner prescribed by law, on or against a day to be fixed in such notice, which day shall not be less than three, nor more than six months after the date of the notice. And any claim not filed on or before the day fixed,—or before an appropriation of the funds of the estate is made, shall be forever barred both in law and equity.

*Claim not due may be filed.* SEC. 7. Any creditor, whose debt is not due, may file his claim for adjudication, and come in for a ratable distribution. But, if his debt be paid before due, a discount shall be made therefrom at the rate of six per cent. per annum until said debt falls due; or, if the debt cannot be paid till due, the court may direct a portion of the property to be sold on long credits to meet it,—or, have the money lent out, under its supervision, till the debt falls due.

*Suggestion of insolvency to operate as injunction* SEC. 8. The suggestion of insolvency and advertisement thereof, shall operate as an injunction in all cases against the bringing of any suit, before any judicature whatever, against the administrator or executor of such insolvent estate. And, in case of suits instituted before such suggestion, the court or justice, before whom the same is pending, immediately upon the rendition of the final judgment or decree, and the evidence of suggestion, shall cause the same to be certified to the county court before which the suggestion has been made.

*Validity of claims discredited.* SEC. 9. The administrator or executor may contest the validity of any claim presented, and urge, against the same, any defence available in law or equity.

**Sec. 10.** In all cases where the claims of creditors are disputed by the executor or administrator; or, there shall be assets that are disputed; or, claims of doubtful character brought forward by the executor or administrator in his own favor,—the clerk shall adjudicate and determine the same. And, if either party be dissatisfied with his decision, he may pray an appeal to the next term of the circuit court, and may obtain the same upon entering into bond with security, as in cases of appeals from justices of the peace; and such bond shall, in the circuit court, have the force and effect of other appeal bonds. And thereupon, the clerk shall certify his decision to the circuit court of his county at its next term, where such issues shall be formed, under the direction of the court, as will present the questions for discussion without writ or declaration. And the judgment of the court thereon, or of the supreme court, if an appeal be taken to it, shall be certified back to the county court.

**Sec. 11.** When the claims have been filed, and those contested have been adjudicated, the clerk shall make an order on the administrator or executor—that, on or before a day to be appointed in such order, he shall file with said clerk, a true and perfect schedule of the amount of said estate, consisting of the available funds, choses in action, and other effects, including the real estate.

2. And, on such schedule being filed, the clerk shall take and state an account, in which he shall show the amount of each creditor's claim that is allowed, and the amount to be paid by the administrator or executor in satisfaction of said claims.

3. And each account so taken, he shall report to the county court for confirmation or rejection; at which time, any person interested may make such objections, or take such exceptions to said account as he may think proper.

4. If the report is confirmed, it shall be recorded; if not, it shall be referred back to the clerk to make such alterations as to the court shall seem just, until the account is confirmed, when it shall be recorded, and be conclusive evidence of the amount due each creditor.

5. In all cases, where a report shall be confirmed, any person interested in the decision may appeal therefrom to the circuit court, on giving bond with surety for costs as in other cases.

6. If the decision or decree of the county court be confirmed, judgment shall be given against the appellant and his sureties for all costs occasioned by the appeal.

7. After the appeal is finally disposed of, the cause shall be remanded back to the county court, to be proceeded in according to the decision of the court, to which the appeal was taken.

8. In making out the record of the appeal, such portions only of the papers as are applicable to the appeal shall be transmitted.

9. And the appeal shall not take the administration of the estate out of the county court pending the appeal; but said administration may be proceeded in, as to every thing not touched or effected by the appeal in the same manner as though the appeal had not been taken.

Fund to be distributed, how ascertained.  
SEC. 12. In order to ascertain the fund to be distributed among the creditors, the clerk shall deduct from the whole estate:

1. All fees and commissions due in the administration thereof, including the allowance to the administrator or executor.

2. Claims for funeral expenses.

3. Debts and arrearages due to the State, and

4. Such articles as are now by law exempt from execution, if such belong to the estate.

Distribution among creditors  
SEC. 13. After said account has been reported and confirmed, the court shall thereupon make an order upon the executor or administrator, to make distribution of the assets among the creditors according to said account.

Order of distribution operates as judgment. Execution thereon.  
2. And said order shall operate as a judgment, upon which execution may be issued by the clerk in favor of any creditor, directed to any officer, and returnable before himself in thirty days; and upon which, such other proceedings may be had to enforce the liability of the administrator or executor and his sureties, as are usual in other cases of judgments.

3. But no such execution shall issue until proof be made before the clerk, that the administrator or executor has had ten days notice in writing of the creditor's intention to apply for execution.

4. For any failure or neglect on part of the officer in executing or returning any such execution or other process, the creditor may have the same remedies in the circuit court by motion or otherwise, as are now given by law in like cases.

Real estate, when to be sold as assets.  
SEC. 14. When the schedule filed, under section 11, contains real estate, the same may be sold on the petition of the executor or administrator, addressed to the county court in which the administration is pending, stating the facts succinctly, and making the widow,

heirs, or devisees parties thereto, and serving them therewith, either actually or by publication, if absentees.

Sec. 15. Said petition may be heard, and an order made thereon at the first term, unless good cause for a continuance appear to the court. Petition to sell real estate when heard.

Sec. 16. On making sale of the real estate in pursuance of the order, such notice shall be given as is now required by law of sales under execution. Notice of sale.

Sec. 17. After payment of costs, the proceeds of the real estate sold, shall be applied in the same proportion to the satisfaction of claims, as the money and personalty of the deceased.

Sec. 18. The following fees shall be allowed the clerk : Fees of Clerk.

For receiving and filing suggestion of insolvency and making order of publication thereof,	\$0 50
For receiving and filing each claim against an insolvent estate, - - -	0 12½
For copy of his report to the county court of his account of each insolvent estate, - - -	0 50
For making the settlement of each insolvent estate, - - -	0 50
For making orders in the administration, - - -	0 25
For issuing subpoenas to compel executors or administrators to appear before him and make settlement, to be paid by the person so summoned; - - -	0 75
For copy of record on appeals taken in the progress of the administration, - - -	\$1 00

Sec. 19. Executors and administrators shall, in all cases, be allowed by the clerk, a reasonable compensation for their services. Compensation to rep.

Sec. 20. On settlement of the estate, the receipts of claimants, whose demands have been allowed, shall be sufficient vouchers for the executor or administrator. Vouchers.

#### PROCEEDINGS IN CHANCERY.

Sec. 21. Where the value of the estate exceeds one thousand dollars, it may be administered in the chancery court of the district, including the county wherein the will is proved, or letters of administration granted; or where the representative resides, or is served with process. *Provided*, That the county court shall have exclusive jurisdiction in causes where the value of the estate does not exceed one thousand dollars, and concurrent jurisdiction with the chancery court in all cases Estate exceeding \$1000, administered in Chancery court,

in which the value of the estate exceeds one thousand dollars.

**SEC. 22.** The suit or proceeding shall be conducted upon equitable principles, as a creditors' bill against a trustee is now conducted, according to the rules and principles governing courts of equity.

Suits to be conducted as creditor's bill.

**SEC. 23.** The bill shall set forth:

Bill to set forth what.

That the assets of the estate are insufficient to pay the debts, according to the complainant's information and belief.

Also such debts as he knows or believes are owing by the deceased.

And that the estate real and personal exceeds the value of one thousand dollars.

If the allegation that the estate exceeds the above value be omitted, the bill may be dismissed on motion of any person interested, if made at the first term after filing of the bill; but it may be amended, on affidavit, so as to make the allegation.

When filed.

**SEC. 24.** The bill may be filed at any time after the estate is reported insolvent to the county court. And it may be filed by the personal representative or by any creditor.

Articles.

**SEC. 25.** If the representative file it, he may do it in his own behalf, as well as in behalf of the widow, heirs and legatees or distributees of the estate, against such of the creditors as are named therein, and sought to be enjoined, and all others interested and not named as complainants.

**SEC. 26.** If a creditor file the bill, or institute the proceeding, it shall be in behalf of himself and all other creditors and persons interested in the estate, who may wish to come in under the decree, against the representative and such others as are sought to be enjoined.

Brief of bill to be made by clerk or attorney.

**SEC. 27.** The clerk or person filing the bill shall make out a brief or abstract thereof, which shall accompany the subpoena, and be made known to such of the defendants as shall be named in the bill, or shall be required to be served with process by, the *fiat* of the judge.

Publication for creditors to exhibit demands.

**SEC. 28.** Publication shall also be made by order of the court, or, in vacation, by order of a judge, or of the clerk and master of the court, for all persons interested to come forward and exhibit their demands and have themselves made parties to the bill;—which publication shall be equivalent to a service of process upon all persons authorized to become parties.

**SEC. 29.** And, where any person, known to be a creditor in an amount exceeding one hundred dollars, shall

be a non-resident, a copy of the abstract may be forwarded, by the clerk to his place of residence by mail, which shall, in like manner, be equivalent to a service of process. But no copy of the bill shall, in any instance, be issued, unless by express order of the court or a judge.

Abstract of bill may issue to non-resident creditor.

Sec. 30. Each of the creditors and others interested in the estate may have himself made a party to the proceeding in equity:

Each creditor may be party.

1. To prove his demand.
2. And have an account taken thereof.
3. And a decree for whatever he may be entitled to receive.

Sec. 31. And even a creditor, whose debt is not due, may become a party to the proceeding, and come in for his ratable distribution. But if his debt be paid before due, a discount therefrom shall be made at the rate of six per cent. per annum, until it falls due; or if the debt cannot be paid till due, the court may direct a portion of the property to be sold on a long credit, to meet it; or have the money lent out, under its supervision till the debt be due.

Whether his debt is due or not.

Sec. 32. All creditors, who shall fail to bring suit for their demands, or to come in under these proceedings, and present their claims, within the time prescribed by law, shall be forever barred and prohibited from becoming parties to such proceedings.

Claims when barred.

Sec. 33. Creditors whose debts are not due, shall be under the same obligation to present their claims as those whose debts are due; and, upon failure to do so, shall be barred in like manner. But a creditor shall not be bound to present his claim before due, except where the estate is represented to be insolvent as herein provided.

Sec. 34. To save the operation of the statute of limitations, any creditor may present his claim to the clerk and master of the court, after the bill is filed, as well in vacation as in term time, and apply to become a party to the proceeding; and the clerk shall give the creditor a receipt for his claim,—which presentation and application to the clerk, if done within the time prescribed by law, shall prevent the operation of the statute of limitations.

What will save operation of law.

Sec. 35. The widow, heirs or devisees, distributees and legatees of the deceased may also become parties to said proceedings; and have such decrees rendered in their favor as are just and equitable, after paying the debts and charges upon the estate, that are entitled to priority over them.

Widow, heirs, &c., may be parties.

And where there is real estate, which belonged to the deceased, the devisees, or heirs, or others interested therein, shall be made parties.

**Effect of filing bills, injunction.** SEC. 36. Upon such bill being filed and sustained, the administration of the estate is transferred from the county to the chancery court, and thereupon the chancellor may enjoin all proceedings in the county court.

And, after such injunction granted, all powers, conferred by this act upon the county court and its clerk, are hereby conferred upon the chancery court, in addition to the powers granted by this act.

**Injunction and exceptions.** SEC. 37. The chancellor may enjoin the commencing or prosecuting of all suits at law against the estate, except such as, in his discretion, he shall direct to be tried at law; and all other suits in equity, except such as he shall direct to be tried separately.

**Suits already commenced at law may be dismissed.** SEC. 38. The chancellor may direct suits at law, brought before the proceedings at law are enjoined, to be dismissed upon such terms as shall be just and equitable; and have judgments entered, to be paid out of assets or effects of the deceased, when any shall accrue or come to the hands of the representative to be administered. But the additional cost of taking such judgments shall not be paid out of the estate, unless the chancellor so direct.

**What parties necessary.** SEC. 39. It shall not be necessary for all the parties to be before the court when an order or decree is about to be made therein; but only such and so many of them as to enable the court to do complete justice in the order or decree, that is to be made or rendered.

**Proof of claims, not admitted just.** SEC. 40. Notice of claims presented to the clerk shall be given to the representative, and if not admitted by him to be just, the claimant shall substantiate them by legal proof, which shall be reduced to writing and filed by the clerk.

**Account and distribution.** SEC. 41. The court shall direct an account to be taken of the personal estate and assets of the deceased, and that distribution thereof be made among the creditors.

**Real estate when to be sold as assets.** SEC. 42. When the personal estate is ascertained by the report of the clerk and master, and the confirmation thereof by the court, to be insufficient for the payment of the debts of the estate; the court shall direct that the real estate or so much thereof as is necessary, be sold for the payment of the debts, reserving to the widow her dower.

**Distribution among creditors.** SEC. 43. And should the whole real and personal estate be insufficient for the payment of the debts and other expenses and charges, then a distribution shall be

made of the proceeds upon principles of equity, ratably among the creditors.

SEC. 44. Where an appeal is taken from any decree of the chancery court, the chancellor shall direct such parts only of the record to be copied as are connected with the subject matter of the appeal; and, upon the affirmance or reversal of the decree in the supreme court, the same shall be certified back to the chancery court for further proceedings thereon to be had. Appeal.

Any party, who is interested or affected by the decree may appeal therefrom; but if the decree be affirmed, the appellant shall pay the cost thereof, except where the appeal has been taken by the representative, and the supreme court shall be of opinion that there was reasonable ground for the appeal, and that the representative acted in good faith; in which event, he shall pay the costs out of the estate, and be allowed the same on settlement of his account.

SEC. 45. After the lapse of two years from the grant of letters testamentary or of administration, and after the estate shall have been settled up; if there should be a surplus after paying the debts, the court shall direct distribution among those entitled; but refunding bonds with surety, if required, shall be given to the clerk and master and his successors, to refund the amount distributed, if necessary for the payment of debts. Surplus distributed.

And, should it thereafter be suggested that the effects distributed are necessary for the payment of debts, a notice or citation shall issue to the persons, to whom the distribution was made and their sureties if any; and, upon such notice or citation being served, or upon publication being made according to the rules of proceeding in chancery, the court shall proceed to decree whatever is just and equitable. Refunding bond.

SEC. 46. In no case, where an estate is ascertained to be insolvent, shall any executor or administrator be rendered personally responsible by reason of any false plea by them pleaded. How proceeded on.

#### BOOKS TO BE KEPT BY THE CLERK OF THE COUNTY COURT.

SEC. 47. The clerk of the county court shall keep the following books in which to record the administration of insolvent estates. *First:* A book to be styled "Minutes of Insolvent Estates," in which he shall record the suggestion of insolvency in each case, and all the other proceedings therein, taken by himself or the court to the final order of distribution and settlement. *Secondly:* No personal responsibility of representative.

A book to be styled, "Accounts of Insolvent Estates," in which he shall record the schedule required by section 11, and all accounts stated by him, after the same shall have been finally confirmed.

For each of these books, the clerk shall make an index, in which he shall enter, at the time it is made, alphabetically under the name of the deceased person, to whose estate it relates, every entry, order or proceeding in the administration.

And these books shall be open to the inspection, at all times, of any person interested in such estate, or concerned in conducting the business of the administration.

In these books, all transactions shall be entered in the order of time, and the date of each shall be uniformly recorded.

SEC. 48. *Be it further enacted*, That an executor or administrator shall have the power, as a representative of the creditors of an insolvent estate, to file a bill to set aside a fraudulent conveyance of real, personal or mixed estate; and when such conveyance is set aside, the assets recovered shall be distributed *pro rata* among the creditors or the other estate of said testator or intestate.

SEC. 49. *Be it further enacted*, That in all suits between the executor or administrator of any deceased person, the insolvency of whose estate has been suggested, the defendant in said suit shall have the right to plead a set-off of whatever amount may be due him from the testator or intestate at the time of his death.

SEC. 50. *Be it further enacted*, That if there should be any surplus due the defendant, the justice of the peace or court trying said cause, shall give judgment in favor of the defendant for said surplus, which judgment shall be filed as other claims with the administrator or clerk of the court for a *pro rata* allowance.

JORDAN STOKES,

*Speaker of the House of Representatives.*

M. R. HILL,

*Speaker of the Senate.*

Passed, February 26, 1852.

## CHAPTER CCLXXXIV;

AN ACT to incorporate the Memphis Manufacturing and Navigation company, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That, a body politic and corporate by the name and style of the "Memphis Manufacturing and Navigation company" for the purpose of manufacturing steam engines, locomotives and machinery generally, also for the purpose of building steamboats, chartering steam boats, running or selling steam boats or other water craft, is hereby established to continue and have succession for the term of ninety nine years, to make and use a common seal, the same to alter at pleasure, to make such by-laws as are expedient and not inconsistent with the laws of this state or of the United States, as it may deem useful or necessary for its government, to sue and be sued, plead and be impleaded, to hold by purchase or otherwise, and to dispose of the same, any real or personal property, which may be useful or necessary for carrying on its operations, or which it may become possessed of in payment of debts due to it in whole or in part. Incorporation.

SEC. 2. *Be it enacted*, That the capital stock of said company shall be one hundred thousand dollars, divided into shares of one hundred dollars each, which shall be considered in law as personal property, shall be transferrable according to the by-laws of the stockholders. The company shall have power to declare forfeited any shares of stock which may remain unpaid in part or in whole, *Provided*, such forfeiture shall not be valid unless made after thirty days notice, published in some newspaper in Memphis. Capital Stock.

SEC. 3. *Be it enacted*, That S. B. Curtis, A. B. Shaw, Thos. B. Carroll, J. E. Maxwell, Simon Bradford and William Stewart, are hereby appointed commissioners, who, or any three or more of whom may, after giving ten days notice in any newspaper published in the city of Memphis, of the time and place, open books for subscriptions to the capital stock of said company; so soon as thirty-five thousand dollars or more of the capital stock of said company shall have been subscribed, the stockholders may proceed to elect or appoint a president and secretary or other officers or agents, and fix their salaries, and do all other lawful acts incident to said bodies, each share entitling its owner to one vote in all elections by the stockholders, who may vote in person or by proxy. Commissioners

SEC. 4. *Be it enacted*, That all stockholders not hav-

ing paid the calls which shall have been made upon their stock, shall be individually liable to the creditors of the company to the amount so remaining unpaid.

SEC. 5. *Be it enacted*, That should the company be organized and go into operation before the whole amount of the capital stock is subscribed, it shall be proper at any period thereafter at the instance of any number of the stockholders, owning one half of the stock subscribed, to call a meeting of the stockholders and reopen the books for the subscription of the residue of the stock, or so much thereof as the stockholders then present may decide shall be subscribed for.

SEC. 6. *Be it enacted*, That no act of less than one half in amount of the stock subscribed and paid for shall be binding on the company.

SEC. 7. *Be it enacted*, That John M. Daw, William Warne, J. Bridges, and Nicholas Fresedder, their associates and successors, are hereby constituted a body politic and corporate, by the name of the Sewanee Mining company, for the purpose of exploring for lead, copper, iron, coals and other ores, metals and minerals, and for mining, working, smelting, and vending the same, and for such purposes may erect all necessary buildings, and other apparatus and fixtures for carrying on their operations, and by that name may sue and be sued, plead and be impleaded, appear, prosecute and defend, in any court of law or equity, in all suits and actions; may have a common seal, and the same alter or renew at pleasure, and may enjoy all the privileges incident to corporations, and may purchase, hold, mortgage, transfer, and convey any real and personal estate.

SEC. 8. *Be it enacted*, That the first meeting of said corporation may be called by the persons named in this act, at such time and place as they may select; and at such meeting a board of directors shall be chosen from among the stockholders by the votes of a majority of the stockholders present at such meeting; and such board of directors shall take charge of the operations of the company, subject to such rules and regulations as may be adopted by the stockholders; the said directors shall hold office for one year, or until their successors are appointed, and may adopt such by-laws and regulations for the government of the concerns of the company as they may deem expedient, not inconsistent with the rules made by the stockholders as aforesaid, nor with the constitution and laws of the United States, and of this state.

SEC. 9. *Be it enacted*, That the directors shall cause a book to be kept, containing the names of all persons

who are stockholders of said company, showing their <sup>shall keep books,</sup> place of residence, and the number of shares of stock held by each respectively, and the time when they became respectively the owners of said shares; and the amount of stock actually paid in, which book shall, during the usual business hours of each secular day, be opened at the place of business of said company, for the inspection of the stockholders and creditors of the company and their representatives.

SEC. 10. *Be it enacted,* That the said corporation may divide their original stock into such number of shares, and provide for the sale and transfer thereof, in such manner and form as they may deem expedient, and whenever said company shall, by purchase, lease or <sup>May divide stock</sup> otherwise, become possessed of any mine, mines, or mineral rights, without the limits of this state, the directors may make a separate and distinct interest of each mine, and divide said interest into such number of shares as they may deem expedient, not exceeding in amount, two hundred thousand dollars for each mine, and may levy and collect assessments, forfeit and sell delinquent shares, declare and pay dividends on the shares in said mines, in such manner as their by-laws may direct.

SEC. 11. *Be it enacted,* That the said corporation shall not contract debts until the sum of fifty thousand <sup>Contract debts.</sup> dollars of the capital stock is paid in, no part of which shall be withdrawn, or in any manner diverted from the business of the company, and shall not contract debts at any time, to an amount, exceeding the capital stock of the said company.

SEC. 12. *Be it enacted,* That a body politic and corporate be and is hereby established, by the name and style of the Sewanee Navigation and Manufacturing Company; that their succession be for a term of ninety-nine years, for the purpose of manufacturing steam engines, locomotives and machinery generally, also for the purpose of building and buying steamboats and other water craft; chartering, running, and selling or employing and disposing of, steamboats and other water craft, as they may deem expedient; that the capital stock of said corporation invested in each steamboat or other watercraft, be and is hereby constituted, separate stock, and each steamboat and the stock therein, placed on its own basis, if so agreed upon by the stockholders, and for such purpose, may establish floating and section docks, saw mills, ship yards, marine railways, and all buildings, mechanical shops, and other apparatus, they may deem necessary, for successfully carrying on the <sup>Sewanee Navigation and Manufacturing company,</sup>

business of said corporation; and by said corporate name may sue and be sued, plead and be impleaded, appeal, prosecute and defend, in any court of law or equity, in all suits or actions; may have a common seal, the same to alter or renew at pleasure; and may enjoy all the privileges incident to corporations, and may purchase, hold, mortgage, transfer, lease and convey, any real, mixed or personal property.

Capital Stock.

Sec. 13. *Be it enacted*, That the capital stock of said company, shall be divided into shares of one hundred dollars each, which shall be considered in law, as personal property; shall consist of not less than one hundred and fifty shares, nor more than twenty thousand shares; shall be transferable, only on the books of the company, and then, only with the consent of the board of directors, or a majority of them in session, unless the whole amount of such stock, shall have been previously paid up in full, nor whilst the transferring stockholder shall, in any wise, be indebted to the company. The company shall have power to declare forfeited to it, any share of stock, which may remain unpaid, in whole or in part; or it may sue for and recover such unpaid installments, before any court or other tribunal, having jurisdiction over such sums, provided, such forfeiture shall not be valid, unless made after thirty days notice of such call shall have been made, in some newspaper, published in the city of Nashville, or such point as the directory may deem expedient. The said company may, at its pleasure, and in such manner as the directory may elect, increase its capital to any sum deemed advisable, between the minimum and maximum amounts heretofore provided for; and all stockholders, not having paid in the calls, which shall have been made on their stock, shall be individually liable to the creditors of the company, to the amount so remaining unpaid.

Shall keep open Books.

Sec. 14. *Be it enacted*, That the directory shall cause a book to be kept, containing the names of all persons who are stockholders of said company, showing their place of residence and the number of shares of stock held by each, respectively, and the time they became, respectively, the owners of said shares and the amount of stock actually paid in; which book shall be open at the place of business of said company, for the inspection of the stockholders and creditors of the company, or their representatives, and that each steamboat of said company shall be furnished with a like book, containing an account of the shareholders of said boat, when the stock was taken, and how much each re-

spective stockholder has actually paid in, which book shall be open to the inspection of the stockholders and creditors of said steam boat or their representatives.

SEC. 15. *Be it enacted*, That James Woods, Samuel Seay, N. McClure, C. E. Hillman, G. P. Smith, B. Du-field, Jas. A. McAlister, W. H. Johnson, R. Stewart, Henry Morris, B. S. Weller, W. H. Gordon, R. F. Bell, R. B. Castleman, John Yeatman, H. T. Yeatman, Jas. Johnson, Dempsey Weaver, Thos E. Stratton, and A. L. Davis, are hereby appointed commissioners, who, or any three or more of them may, after having given ten days notice of the time, or times, and place, or places, for so doing, open books, for the subscription to the capital stock of said company (provided, however, in such notice, they specify the use to which the stock is to be applied, thus being offered) and may keep such books open for subscriptions, until the number of one hundred and fifty shares, or a greater number, as they may deem expedient, (not exceeding the maximum number provided for,) shall have been taken; so soon as the number of shares agreed on by the acting commissioners shall have been subscribed for, they shall give not less than ten days notice, and the stockholders may proceed to elect, from their own body, a board of directors, each share entitling its owner to one vote in all elections, by the stockholders, who may vote by proxy, or in person, for the said board of directors or on any question submitted to a meeting of them. The said board of directors shall consist of five, one of whom shall be elected president, and he and the other members of the board shall hold their places for the term of one year, or until their successors shall have been elected, provided, a failure so to elect shall in no wise cause a forfeiture of this charter, and also provided, that no stockholder shall be entitled to vote, who may be in arrears of calls previously made, on stock owned by him. The said president and board of directors, shall elect, appoint or employ all other officers, agents, managers, &c., necessary for conducting the affairs of said company, and affix their salaries and do on behalf of the company, all such other acts as are incident to such bodies; the said directory causing to be kept regular minutes of their proceedings, which shall be open to the inspection of any stockholder desiring to inspect the same.

SEC. 16. *Be it further enacted*, That a body politic and corporate is hereby constituted and established by the name and style of the "Maury Manufacturing Company," for the purpose of manufacturing goods and articles from cotton, wool, and hemp, or such other ma-

Commissioners

Maury Manu-  
facturing company.

terial as said company may think proper to manufacture; and for the erection of mills, for the grinding of grain and manufacture of flour, or sawing or dressing and working of lumber; said company is empowered to make and use a common seal and the same to change or alter at pleasure; to make such by-laws, not inconsistent with the constitution and laws of the state and of the United States, as may be deemed necessary or useful; to sue and be sued, to plead and be impleaded; to have succession, to hold by purchase or otherwise, and to dispose of the same at pleasure, any real estate or personal property, which may be convenient or necessary for carrying on its operations or which it may become possessed of in payment of debts due to it, in part or in whole. *Provided*, nevertheless, that the value of the real estate so held, shall not at any time exceed the maximum amount of its capital stock herein provided for.

Capital Stock.

SEC. 17. *Be it enacted*, That the capital stock of said company shall be one hundred and fifty thousand dollars, and be divided into shares of one hundred dollars each; *Provided*, that whenever, in the opinion of the commissioners hereinafter appointed, to open books for the subscription of stock, or a majority of them, a sufficient amount of the capital stock has been subscribed to commence business, they shall, after giving twenty days public notice, proceed to hold an election for five directors, any three of whom, when elected, shall constitute a board competent to transact any business of the company, and said directors shall choose a president from amongst themselves, and shall hold their offices for the term of one year, and until their successors are elected, and qualified; and in the election of directors, every stockholder shall be entitled to one vote for every share of stock he may hold. *Provided*, that no stockholder shall be entitled to vote for directors, while he is in arrears in the payment of the calls made upon his subscription of stock. The board of directors shall have power from time to time, to appoint a secretary and treasurer, superintendent, and such other officers, overseers, and agents, as may be found necessary for carrying on the business of said corporation, and define their duties and liabilities. And in case the company shall organize and commence business before the whole of the capital stock is taken, the board of directors may at any time thereafter, have the subscription increased, by the employment of agents for that purpose or otherwise, to the full amount of the capital stock as above specified.

**SEC. 18.** *Be it enacted,* That the capital stock of said company shall be paid by such installments as the board of directors may, from time to time, call; and shall be transferable only on the books of the company, and then only with the assent of the board of directors, unless the whole amount proposed to be transferred shall have been previously paid in; and the company shall have power to declare forfeited to it, any stock which may remain unpaid, in whole or in part, or it may at its option sue for and recover the unpaid amounts before any tribunal having jurisdiction of such sums, first, however, giving thirty days public notice of such calls having been made. Transfer of stock

**SEC. 19.** *Be it enacted,* That J. W. Friereson, Bolling Gordon, W. J. Dale, G. A. Pillow and S. A. Hamner, are hereby appointed commissioners, to open books for the subscription of capital stock of said company; and they, or any two of them, shall, at such time and place as they may think proper, open books for that purpose; and they, or any two of them shall have full power and authority to employ an agent or agents, to procure subscriptions of capital stock of said company. Commissioners

**SEC. 20.** *Be it enacted,* That this act shall take effect immediately.

JORDAN STOKES,  
*Speaker of the House of Representatives.*  
M. R. HILL,  
*Speaker of the Senate.*

**Passed, February 10, 1852.**

## CHAPTER CCXLXXXV.

AN ACT to incorporate the Central Trunk Railroad Company, and for other purposes.

Incorporation.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the formation of a company is hereby authorized, whose duty it shall be when organized, to cause a survey and location of a Central Trunk railroad to be made, commencing at or near the depot of the Nashville and Chattanooga railroad, at Nashville, pursuing thence the most eligible route, to cross the Tennessee river at some point between the mouth of Duck river and the foot of White Oak island in Humphreys county, and to reach the highland on the west side of the Tennessee river, said company, when formed, shall be a body corporate by the name and style of the Central Trunk Railroad company, and by said corporate name shall be capable in law, to buy, receive by gift, hold, sell and convey real and personal estate, as hereinafter provided; to make contracts, sue and be sued; to make by-laws for the government of said Company, and to do all acts, not unlawful, properly incident to a corporation, and necessary and proper to the transaction of the business for which it is incorporated; and to have and use a common seal and the same to alter and destroy at pleasure, and shall have perpetual succession of members.

Capital Stock.

SEC. 2. *Be it enacted*, That books for subscription of twenty thousand shares of the capital stock of said company, of one hundred dollars each shall be opened on the first Monday in April 1852, and shall be kept open, from day to day, until the amount of three hundred thousand dollars shall have been subscribed, at the following places, by the commissioners named herein, viz: at Nashville, by Jacob McGavock, A. V. S. Lindsley, V. K. Stevenson, Thomas Harding and Samuel D. Morgan; at Charlotte, in Dickson county, by J. C. Collier, B. C. Robinson, J. Ward, Robert McNeely and Larkin; at Waverly, in Humphreys county, by H. H. Marable, James Wyly, jr., F. P. Saunders, B. B. Spicer, and Allen.

SEC. 3. *Be it enacted*, That said commissioners, or a majority of them, at each of the places aforesaid, shall receive subscriptions for stock in said Central Trunk railroad company, and shall demand and receive one dollar on each share subscribed, without which the subscription shall be void; and shall report from time to time, the names of the subscribers and the amount of stock taken by each, to a board of commissioners, to be

composed of the following persons, viz., John M. Bass, Anthony Vanleer, A. V. S. Lindsley, V. K. Stevenson, of Davidson county; Thos. K. Wyly, and B. B. Spicer, of Humphreys county; J. C. Collier and B. C. Robinson of Dickson county; who shall have power to elect a president and secretary from among themselves; and when the sum of three hundred thousand dollars shall have been subscribed, by bona fide, solvent stockholders, to the capital stock of said company, the said board of commissioners, having been convened at Nashville, by previous notice in two newspapers, published in the city, and having been duly organized by the election of a president and secretary of said board, a majority of the commissioners being a sufficient number at any time to transact business, then said "Central Trunk railroad company," shall be considered as formed, and as having a corporate existence, and the board of commissioners thus organized, may have power to employ competent engineers and other persons, to make a survey of the route of said railroad, and may draw from the fund created by the payment of one per cent. on each share subscribed, which the commissioners appointed in the several counties, shall pay into the bank of Tennessee at Nashville, for the purpose of defraying the expenses of the preliminary survey, and the president of said board of commissioners shall have authority to check for the same, in conformity with an order of the board, but no final location of the road, or of the bridge over the Tennessee river, shall be made until after the election of the board of directors hereinafter provided for.

SEC. 4. *Be it enacted*, That the board of commissioners, when organized, may appoint agents, with authority to receive subscriptions to the stock of said company, on such terms as they may prescribe, either within the state or out of the state; and it shall be lawful for a citizen or subject of any other state or country, or for any other state or corporation, to subscribe for, and hold stock in said company, on such terms as may be agreed upon with the board of directors of said company herein authorized.

SEC. 5. *Be it enacted*, That when the sum of five thousand shares, or five hundred thousand dollars, shall have been procured to the capital stock of said Central Trunk railroad company, on which one per cent. shall have been paid, then it shall be the duty of the board of commissioners, to give notice in the newspapers and to call a general meeting of the stockholders, in the city of Nashville, for the purpose of electing a

board of directors of said company, and shall prescribe a form of proxy, and in all elections for president, or on any question that may arise for the decision of the stockholders, each one shall be entitled to one vote for each share of stock that he may own, but no stockholder shall be entitled to a vote for any share of which he shall not have been the owner for sixty days before the meeting (except the first) at which he may have to vote; and it shall be the duty of the secretary, whom the board of directors shall have power to appoint, to keep a record of the proceedings of the board, and of the transfers of stock, which shall be made in such manner as the board may direct.

**Additional stock** SEC. 6. *Be it enacted*, That the board of directors shall have power to appoint agents, to receive additional subscriptions, until the capital stock taken, shall amount to two millions of dollars, and may issue the bonds of the company, not bearing interest at the rate of more than eight per cent. per annum, for the purpose of raising funds to complete the work of constructing the road, and may effect loans for the same object; and all contracts or agreements may be authenticated by the official signature of the president of the board of directors, or may be rendered valid and binding, in any other manner the board may direct; but it shall not be lawful for the board of directors to exceed, in their contracts, the amount of the capital of the corporation, and of the funds which the company may have borrowed and placed at their disposal; and, in case they should do so, the president and directors, who may be present at the meeting at which the contract or contracts, not exceeding the amount aforesaid, shall be made, shall be jointly and severally liable for the excess, both to the contractor or contractors, and to the corporation. *Provided*, That any one may discharge himself from such liability, by voting against such contract or contracts at the time, and causing such vote to be recorded on the minutes of the board, and giving notice thereof to the next general meeting of the stockholders.

**May borrow money.** SEC. 7. *Be it enacted*, That said company may at any time, increase its capital to a sum sufficient to complete said railroad, and stock it with everything necessary to give it full operation and effect, by borrowing money, or, what may be the equivalent of money, on the credit of the company, and on the mortgage of its charter, works, and other property, to the state of Tennessee, or to any other state, corporation or company.

SEC. 8. *Be it enacted*, That the board of directors, once in every year, at least, shall make a full report on

the state of the company, and its affairs, to a general meeting of the stockholders, and shall have power to call a meeting of the stockholders whenever the board may deem it expedient. Directors to report.

Sec. 9. *Be it enacted*, That said company shall have all of the privileges, and shall be under all of the limitations and restrictions, where not otherwise specified in this act, so far as they may be applicable, that are granted and imposed, in the act passed on the 28th day of January, 1848, chartering the Mobile and Ohio railroad company, and the Tennessee Central railroad company. Powers, &c.

Sec. 10. *Be it enacted*, That the Tennessee Central railroad company, the Memphis and Nashville railroad company, and the North-western railroad company, shall be required to construct their tracks respectively with the same guage as the Nashville and Chattanooga railroad, and the Central Trunk railroad company, and each of said companies shall have the right to pass their locomotives and train of cars to the depot of the Central Trunk railroad, which may be established on either side of the Tennessee river without charge from said Central Trunk railroad company, and shall have the same privilege of connecting with their road, as is granted in the 40th section of the Nashville and Chattanooga railroad charter; and the privilege shall be reciprocal, between the several companies. Gauge of track.

Sec. 11. *Be it enacted*, That the board of directors of the Central Trunk railroad company, may from time to time, call for the payment of such installments from the stockholders of the company, as they may deem proper, not exceeding twenty-five per cent. in any one year, nor five per cent. in any sixty days, after notice for thirty days in some newspaper published in the state where the subscriber to the stock, may reside, and in case of failure to pay, the board may, either consider the stock owned by the defaulter, as forfeited, and sell it for the benefit of the company, or sue the stockholder for the payment, at their option. *Provided*, That nothing in this act be inconsistent with an act passed at this session of the Legislature, entitled an act, to establish a well regulated system of internal improvements in this state, *Provided further*, that the governor shall not issue the bonds of the state to the company hereby incorporated. *And provided*, That the per centage of subscription of stock prescribed in reference to the Nashville and North-western railroad, shall be applicable, also, to the Nashville and Memphis railroad. Calls of Stock.

Sec. 12. *Be it further enacted*, That the charter of

Nashville and  
North-western  
railroad.

the Nashville and North-western railroad, be so amended, that the stockholders, upon subscribing, shall not be required to pay more than one per cent. of their subscriptions, and not that, unless required by the commissioners, and that the acts of any three of the commissioners, at any one place may be valid without the concurrence of the whole board.

JORDAN STOKES,

*Speaker of the House of Representatives.*

M. B. HILL,

*Speaker of the Senate.*

Passed, February 28, 1852.

## CHAPTER CCLXXXVI.

AN ACT to authorize Joseph Hutcheson and George Ricker to open a Turnpike Road, in Greene county, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Joseph Hutcheson and George Ricker, of the county of Greene, are hereby authorized to open a turnpike road in said county, beginning at the North Carolina line, at the west end of the Horse Mountain; then crossing Paint creek; then on the most eligible route to or near Buck creek, at the foot of the Main Mountain, near the widow Rollins' in said county.

Style of road.

SEC. 2. *Be it enacted*, That said road shall be commenced and finished within three years after the passage of this act. Said road shall be sixteen feet wide in the clear, free from obstructions, highest in the middle, except where said road will require to be blown out of solid rock, then it shall only be required to be twelve feet wide in the clear; said road to be drained where necessary; the streams across which said road shall pass, shall be well bridged, and the said road shall be measured and mile marked.

SEC. 3. *Be it enacted*, That the county court of the said county of Greene, upon the application of the aforesaid Joseph Hutcheson and George Ricker, shall appoint three commissioners, whose duty it shall be to review said road, and upon their reporting in writing to the county court of said county, that said road has been finished according to the provisions of this act, which report shall be filed by the clerk of said county court, then the said Joseph Hutcheson and George

Ricker, or their legal representatives, shall be authorized to exact and receive the following rates of toll: For Rates of Toll.  
drove hogs or sheep, one cent per head; for drove cattle, two cents a head; for drove horses or mules, five cents per head; for man and horse, ten cents; for two wheeled ox wagon, twenty-five cents; for four horse wagon and team, fifty cents; for six horse wagon and team, seventy-five cents; one horse carriage, thirty-seven and a half cents; for two horse carriage fifty cents.

Sec. 4. *Be it enacted*, That the county court of said county of Greene shall, after the completion of said road, appoint two commissioners, whose duty it shall be, at least once in every year, to examine said road, and upon such examination, if they shall find said road out of repair, it shall be their duty forthwith to notify the proprietors of said road, and if said road shall remain out of repair for the space of thirty days after such notice is received, then, and in that case, the said Joseph Hutcheson and George Ricker shall be liable to pay the sum of twenty dollars, one half to any person who shall sue for the same, and the other half to be paid to the trustee of said county for common school purposes. Penalty for road out of repair.

Sec. 5. *Be it enacted*, That the said Joseph Hutcheson and George Ricker, their heirs or assigns, or other legal representatives, shall have the use and benefit of said road for the term of ninety-nine years, on condition, that they make and keep the said road in such repair as required by the provisions of this act. *Provided*, Said commissioners shall be allowed one dollar per day for all such services as commissioners necessarily employed in performing their duty as such, to be paid by the proprietors of said road. Term of incorporation.

Sec. 6. *Be it enacted*, That the subscribers for stock as hereinafter provided, and their successors, are hereby incorporated, by the name and style of the Jonesborough and Burnsville Turnpike Company, and by that name are constituted a body politic and corporate, with succession for fifty years, and are vested with all necessary corporate powers, for constructing, keeping in repair, and using a turnpike road from a point on the Unaka Mountain; in Washington county, known as the Indian Grave Gap, passing through the Greasy Cove, and down the Nolachucky river by the point of the Buffalo Mountain, near Blair's iron manufacturing establishment, the nearest and most practicable route to Jonesborough, in the county of Washington. The capital stock shall be two hundred and fifty shares, at ten dollars each, and may, at the discretion of the com- Jonesboro' and Burnsville turnpike company. Capital Stock.

pany, be increased to five hundred shares; and the following persons are hereby appointed commissioners to receive subscriptions for the same, viz: John Ryland, Wm. T. Erwin, Charles Longmyer, Benj. F. Swingle, Wm. K. Blair, David May, Isaac Hartsell, John Keys, Jno. A. Wilds, and Shelby T. Shipley, and when the capital stock of two hundred and fifty shares shall have been subscribed, or if a less amount, but exceeding one hundred shares shall have been subscribed, the said board of commissioners shall call a meeting of the stockholders at such place as they may designate, by notices posted up at three places on said line of road, at least ten days before such meeting, who, or any three of whom, may open and hold an election for five directors to manage the affairs of the company; who shall be the owner of at least ten shares of stock, and shall serve for one year from the time of their election, or until their successors shall be elected, and they shall appoint one of their own body president, and may appoint a secretary and treasurer from their own number, or any other they may deem qualified to transact the business appertaining to said offices; and may fill vacancies which may happen in their board by resignation or otherwise, until a regular election, of which they shall give notice as prescribed above. The board of directors may, from time to time, require such advances on the shares subscribed as the wants of the company may require, and a failure to pay any call made, shall operate as a forfeiture of the shares upon which the default takes place, but the directors may at their election waive the forfeiture and sue for and recover the call from the defaulting stockholder before any justice of the peace.

Proxies.

SEC. 7. *Be it enacted*, That in all annual elections, the stockholders may vote in person or by proxy, and shall be entitled to one vote for every share of stock which the person offering to vote shall have subscribed at least one month previous to said election, except the first election.

Style of road.

SEC. 8. *Be it enacted*, That whenever the affairs of the company shall justify, the board of directors may employ an engineer or some suitable person to survey said road, and proceed to locate the same upon the shortest and most practicable route, and may let out the construction of the same to the lowest bidder or by private contract, first giving twenty days notice of the time and place of the letting; and shall require the road to be opened at least twenty feet wide, with sixteen feet in the centre clear of stumps and trees, and other

obstructions, where the character of the ground will permit, and where necessary shall be causewayed in a safe and substantial manner, at least twelve feet wide, and good and substantial bridges of the same width at least shall be built over all the streams requiring bridges on said road. The road shall be located so as in no instance to exceed an elevation of one foot in a distance of ten, and only at the sluice and jump hills, and Unaka Mountain, shall it exceed one foot in a distance of twelve feet. The directors shall be allowed two years to locate and commence said road, and five years from commencement to complete the same, otherwise this charter shall be forfeited.

SEC. 9. *Be it enacted*, That the directors shall be authorized to increase the capital stock to an amount sufficient to complete said road, and may receive subscriptions to the same, payable in labor or any description of produce they may be able to use in the construction of the road, provided they do not allow a greater price for labor than may be paid to other contractors, or receive produce at a higher rate than the cash market price of the country; the labor to be done, and produce to be delivered on, the line of road where the board may designate. Capital Stock.

SEC. 10. *Be it enacted*, That the board of directors may, at their discretion and when the funds of the company justify, connect their road, from some suitable point, with the Elizabethton and North Carolina Turnpike Road, by a branch, passing through the eastern part of the Greasy Cove, and intersecting said road near the Old Iron Works, east of B. F. Swingle's, upon such terms as may be agreed upon by the two companies. Branch road.

SEC. 11. *Be it enacted*, That as soon as the company shall complete the road, they may notify Bird Brown, Hezekiah Buchfield, Addison Tredham, Zachariah L. Burson, and Thomas Cox, who are hereby appointed commissioners to examine the same, and if they find it completed and in order as required by this act, they, or a majority of them, shall give the company a certificate to that effect, whereupon the company shall have the right to erect a toll-gate on any part of the road, and exact the rates of toll hereinafter prescribed. Commissioners

SEC. 12. *Be it enacted*, That if the company fail to keep the road in repair at any time, for the space of twenty days, upon information thereof to any justice of the peace of the county, he shall issue a warrant to some constable, commanding him to summon three freeholders to meet at a certain time and place therein Penalty for road out of repair.

specified, five days notice having been given to the keeper of the toll-gate, or the president of the company, and if by said freeholders, or any two of them, in the presence of the justice of the peace, the road shall be found out of repair, and not in the order required by this act, the toll hereby granted shall cease to be exacted until the defective part of the road shall be put in repair.

**Rates of Toll.** SEC. 13. *Be it enacted*, That the rates of toll to be taken shall be as follows, viz: For each wagon, carriage, barouche, carryall, or other vehicle, drawn by two horses, mules or oxen, forty cents; and for each additional horse, mule or ox that may be thereto attached, five cents; for each gig, sulky, buggy, one horse wagon or carryall, thirty cents; for each head of sheep or hogs, one cent; for each loose horse, in droves or otherwise, five cents; for each man and horse, ten cents; for each head of neat cattle, four cents. The company shall have the right to erect two toll-gates, provided they do not exact more than one-half the above rates at each gate. The citizens of Washington county shall be exempt from the payment of toll.

**Penalty for passing gate.** SEC. 14. *Be it enacted*, That should any person refuse to pay the toll hereby granted, at the time of offering to pass the gates, or should go around within half a mile of any gate to avoid the same, or should pass forcibly without paying the toll required, the toll gatherer may, by warrant in the name of the company before any justice of the peace, recover from the person so refusing, going around or forcibly passing any gate, five dollars for each offence.

**Directors to report.** SEC. 15. *Be it enacted*, That the president and directors shall, at least once in every year, report to the stockholders the condition of the affairs of the company, and shall declare such dividends on the stock of the company as may be authorized by the state of the funds on hand, and the exigencies of the company may permit. The board of directors shall have power to enact such by-laws for their own government, and adopt such needful regulations as the interests of the company may require.

SEC. 16. *Be it enacted*, That whenever the company shall have completed, as hereinbefore required, that portion of the road from Greasy Cove to the top of the Unaka Mountain, and the same shall have been certified by the commissioners hereinbefore named, the company may erect on any part of said line of road a toll-gate, but shall only exact one-half of the rates of toll authorized in the 13th section of this act.

Sec. 17. *Be it enacted*, That the proviso to the 9th section of an act, passed on the 3rd February, 1842, entitled "an act to charter the Penitentiary Turnpike Company," be, and the same is hereby repealed. Penitentiary  
Turnpike Co.

Sec. 18. *Be it enacted*, That James L. Armstrong, sr., Thomas Lipscomb, Henry Brown, Thomas J. Roane, John C. Caldwell, sr., Charles F. Sutton, John G. Walker, George Shaw and Thomas B. Moseley, jr., be appointed commissioners to open books for the purpose of raising subscriptions to build a turnpike road from the town of Shelbyville, Bedford county, to McMinnville, Warren county, crossing the Nashville and Chattanooga Railroad between the ford at McGrew's (on the Wartrace fork of Duck river) and Robert Denniston's house, at a proper point on the level grade of said railroad between said places; thence to Fairfield, on the Garrison fork of said Duck river, and then dividing into two branches, one branch running up the Garrison fork on the north-west side thereof, one mile and a quarter, and the other branch crossing the Garrison fork over the bridge, and running up Noah's fork one mile and a quarter. *Provided*, That the two branches, running up the two said forks, shall both be taken into the measurement of the five miles, and which shall justify one toll-gate. *Provided also*, That if sufficient stock cannot be obtained to build the road to McMinnville, the directors may stop its progress at the end of fifteen miles from Shelbyville, as above calculated, without any forfeiture on the said fifteen miles if the other part is never built; but if the funds will justify the building of the road further, then the directors shall choose up which fork the road shall run towards McMinnville. The said subscriptions may be made payable in money or work, to be performed on said road, to an amount sufficient to build said road. So soon as ten thousand dollars of stock is taken, a meeting of the stockholders shall be called by the commissioners, at the house of James Keeling, (McGrew's old place,) in Bedford county; by giving ten days notice of the time of said meeting, for the purpose of electing nine directors for said road; after which meeting, the said stockholders, and those who may afterwards become stockholders, shall be, and are hereby constituted a body politic and corporate, by the name of the Shelbyville, Fairfield and McMinnville Turnpike Company, and shall so continue, and may own, sell and buy property, sue and be sued in their corporate name and character, and have and enjoy, and possess all the rights, powers and privileges appertain-

Shelbyville, Fairfield & McMinnville Turnpike Company.

ing to bodies politic and corporate by law, and shall have succession forever.

**Sec. 19.** *Be it enacted,* That the directors shall be elected annually, by a majority of the stockholders voting, either in person or by proxy, and when said directors are elected, they shall continue in office until their successors are elected and qualified; and said directors shall choose one of their body president. Said president and directors of said turnpike company shall have all the powers, and perform all the duties designated in the act, passed 12th February, 1836, granting a charter to the Nashville and Lebanon Turnpike Company.

**Vacancies.** **Sec. 20.** *Be it enacted,* That the president and directors, or any five of them, shall be sufficient to transact any business, and all vacancies happening in the board, between the regular meeting of the stockholders, shall be filled by the directors, two-thirds being present. And it shall be the duty of the president and directors, immediately after their election, to designate, mark out and locate said road, and persons so employed in marking out said road, shall be allowed two dollars per day for the time necessary to accomplish the same.

**Style of road.** **Sec. 21.** *Be it enacted,* That said road shall be opened at least thirty feet wide, and not to exceed sixty, and graded at least eighteen feet, with ditches at each side to carry off the water, and it shall be paved at least sixteen feet with stone or river gravel, and shall have substantial and sufficient bridges and culverts wherever they are necessary.

**Dates.** **Sec. 22.** *Be it enacted,* That whenever five consecutive miles of said road are completed, said company may erect one toll-gate, and one toll-gate for every other five miles, according to the measurement designated in section 18 of this act.

**Tolls.** **Sec. 23.** *Be it enacted,* That the said company are authorized, when said road is completed, to demand and receive toll at each gate, not exceeding the following rates, to wit: For every twenty head of hogs, ten cents; for every twenty head of horned or neat cattle, twenty-five cents; for every twenty-five head of sheep, ten cents; for every horse or mule, led or in a drove, three cents, and so on in proportion for any greater or less number of the above named animals; for every pleasure carriage, drawn by two horses or mules, twenty-five cents, if drawn by three or more horses or mules, thirty cents; for every carriage, wagon or cart, drawn by one horse or mule, ten cents; for every loaded wagon, drawn by two horses, mules or oxen, fifteen cents, for the same

empty, ten cents; for every loaded wagon, drawn by three horses, mules or oxen, twenty cents; for every loaded wagon, drawn by four horses, mules or oxen, twenty-five cents; for every additional horse, mule or ox, employed in drawing a wagon, five cents. *Provided*, That every wagon drawn by more than six horses, mules or oxen, may be charged ten cents for each horse, mule or ox more than six, unless the tire of said wagon be more than four inches wide; for every empty wagon, not otherwise provided for, half the toll charged for the same when loaded; for every other vehicle used for the purpose of carrying burthens, the same as wagons in proportion to their load; for every man and horse five cents.

SEC. 24. *Be it enacted*, That said company shall begin said road in three years from the passage of this act, and finish the same in six years from the same time, or they shall forfeit this charter. When to have road finished.

SEC. 25. *Be it enacted*, That if any person or persons, Damages, over whose land said road may run, claims damage for the same, and he or they and the directors cannot agree and settle the same, he may apply to the next term of the circuit court, or any subsequent term by petition, setting forth the nature of the case, and it shall be the duty of the court to appoint nine disinterested persons to go upon the ground and view the same and examine witnesses, and after having been duly sworn by the sheriff, assess the amount of damages which, in their opinion, the petitioner has sustained by said road running through his or her land, or the land of his or her ward or wards—in case of minors or idiots—which assessment of damages shall be made out and signed by the jury, and be returned to the next term of the circuit court, and a judgment shall be entered accordingly, and an execution issued for the same against the president and directors of said company in favor of the person entitled to the same. *Provided*, That the jury in assessing the damages the petitioner or petitioners may have sustained by the location of said road over his, her or their land, shall also look to the benefit and advantage he, she or they, may receive from said location of said road, and shall in their assessment state particularly the nature and amount of each, and the excess of loss and damage over and above the benefit and advantage, shall form and be the measure of damage. *Provided further*, That if said jury should not assess the damages at more than five dollars, then the petitioner or petitioners shall pay all the cost that may have accrued in the case. *Provided also*, That either party being dis-

satisfied with the verdict of the jury, by giving reasonable notice to the opposite party, may appeal to the next term of the circuit court, when another jury shall be appointed by the court, who shall be governed in their decision by the rules heretofore laid down, and their decision or assessment shall be final, unless a new trial shall be granted.

**Sec. 26.** *Be it enacted,* That in letting out the making of said road, the subscribers of stock shall have the preference, provided they will do the work as low as any other person offering to do the same.

Stockholders to have preference in making road.

**Sec. 27.** *Be it enacted,* That in the event of any person or persons undertaking any part of said road, in pursuance of the above section, and failing to have the same finished within the time, he, she or they contracted to have the same done, all the work that he, she or they may have done, shall be forfeited to the company.

JORDAN STOKES,

*Speaker of the House of Representatives.*

M. R. HILL,

*Speaker of the Senate.*

Passed, February 10, 1852.

## CHAPTER CCLXXXVII.

AN ACT to incorporate the Clifton and Jackson Turnpike Company, and for other purposes.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Tennessee,* That all persons who shall become stockholders pursuant to this act, shall be and they are hereby constituted a body politic and corporate, by the name and style of the Clifton and Jackson turnpike company; and by that name, may sue and be sued, plead and be impleaded, and have and enjoy all the rights and privileges, and powers appertaining to bodies politic and corporate, by law, for the space of ninety-nine years, and shall have succession.

Incorporation.

**Sec. 2.** *Be it enacted,* That the capital stock of said company shall be one hundred thousand dollars, with the privilege of increasing the same to two hundred thousand dollars, should it be necessary to the completion of said road,—said capital stock to be divided into shares of twenty-five dollars each.

Capital Stock.

**Sec. 3.** *Be it enacted,* That the following persons

shall be commissioners, to open books, and receive sub-<sup>Commissioners</sup>scriptions of stock, viz: F. Hughes, R. C. Hemphill, Rickets, of the county of Wayne;

of the county of Henderson, Clinton Briggins, Charles Aston, Felix Hargrave, Robert B. Hurt, Edward Willis, and James Fogg, of the county of Madison; and the said commissioners appointed in the several counties, shall open books and receive subscriptions of stock, at their respective county seats, *Provided*, That books may be opened at the town of Clifton, in Wayne county, after giving at least twenty days notice, in two or more newspapers, of the times and places of opening said books, and so soon as it shall be ascertained that twenty thousand dollars have been subscribed, they shall call a meeting of all the stockholders, by publication, as aforesaid, which meeting shall be held at Lexington in the county of Henderson, and at said meeting said stockholders, or a majority of them, being present or represented by others, under the powers of attorney, shall elect seven directors, every stockholder being entitled to one vote for each share he may own, and said directors shall choose one of their body, president; and said president and directors shall remain in office one year, or until their successors shall be elected, which shall be done at the expiration of one year from the time of the first election, and in the same manner, of which time and place, twenty days notice shall be given, by the president, as provided in this section, for a meeting of stockholders; the said president and directors shall have all the powers, and perform all the duties, necessary in locating the road as hereinafter specified; letting out contracts for its construction, appointing necessary officers, receiving subscriptions and disbursing the funds of the company, together with the general superintendence of constructing the road, erecting gates for toll, and otherwise governing and managing the affairs of the road, and determining by their by-laws, the manner of adjusting and settling all accounts against the company, and also the evidence and manner of the transfer of stock in said company. <sup>Motions.</sup>

Sec. 4. *Be it enacted*, That the president and directors, or any five of them, shall be sufficient to transact the business confided to them, and all vacancies happening in the board, between the regular meetings of the stockholders, shall be supplied by the directors, two thirds being present. <sup>Vacancies.</sup>

Sec. 5. *Be it enacted*, That immediately after the

**Route of road.** election of the directors, they, or a majority of them, or such other person as they shall appoint, shall proceed to designate and mark out the route; commencing on the west of the river, opposite the town of Clifton, running through the town of Lexington, in Henderson county, thence to Jackson in Madison county.

**Style of road.** SEC. 6. *Be it enacted*, That the company may grade the road fifteen feet wide, and the said president and directors shall have power to determine when it is necessary to cover the grading of said road, with rock, gravel, or plank; and there shall be sufficient of ditches and culverts, to convey off the water and drain the same, and shall gradually descend from the centre to the ditches, except such part as may be covered with plank, shall have substantial and sufficient bridges when necessary, and in all respects shall be completed in a faithful manner, with a grade not to exceed six degrees.

**Rates of toll.** SEC. 7. *Be it enacted*, That when any five miles shall be graded, the company shall be entitled to erect one gate, and so on for every five miles thus completed; and shall receive and collect tolls as follows: for every twenty head of sheep or hogs, fifty cents; for every twenty head of cattle, fifty cents, for every horse or mule not in a drove, or not employed in a cart or wagon, five cents; in a drove, two cents; and so on in proportion, for any greater or less number of said animals; for every four wheeled carriage, twenty-five cents; for every two wheeled carriage, twenty-five cents; for every empty wagon, fifteen cents; for every loaded cart fifteen cents; empty cart ten cents; for every man and horse, ten cents.

SEC. 8. *Be it enacted*, That the stockholders shall have the privilege of paying the amount of their stock or any part thereof, in work upon the road, in its construction, or in money as the company shall order; and in letting out contracts for building the road, the president and directors shall give a preference to the stockholders who desire to undertake contracts, *Provided*, such stockholders will undertake such contracts upon as good terms as they can be let to others.

**Damages.** SEC. 9. *Be it enacted*, That if any person over whose land said road may run, shall claim damages for the same, and the said person and the company shall disagree upon the amount, said person, so aggrieved, may apply to the circuit court at its next, or any subsequent term, by petition, setting forth the nature and extent of his said damage, whereupon the court shall appoint a jury of five disinterested persons to go upon the

ground, and after being sworn by the sheriff, or some justice of the peace, assess the damages the petitioner has sustained by said road running through his or her land, or through the land of his or her ward, in the case of minors, which assessment of damages shall be made out and signed by said jury, and returned to the next term of the circuit court in said county, where said land is situated, and a judgment shall be entered by the court and execution issued for the same against the president and directors in favor of the person or persons entitled to the same; in making out their report said jury shall take into consideration the advantages of said road to petitioner. The property in said road when completed shall vest in said company and their successors, for the purpose of a highway, which shall be free for all persons, on the terms and conditions herein described, and the same shall not be liable to taxation.

SEC. 10. *Be it enacted*, That the president and directors may purchase, for the use of the company, any quantity of land not exceeding twenty five acres, adjacent to each toll gate, and take conveyance therefor, to themselves and their successors, and for the purpose of making said road, and keeping it in repair, the said directors, their agents or servants, may cut, dig, quarry or take from any land adjoining said road, such timber, gravel, stone, or earth as may be necessary for constructing and keeping said road in repair; if any person from whose land any timber shall be taken, consider himself injured, and the amount of damages cannot be agreed upon, between himself and the company, the matter shall be settled in the same manner as prescribed in the ninth section of this act.

SEC. 11. *Be it enacted*, That when any parts of said road shall be in different counties, the president and directors may apply to the county court of each county, through which such part runs, whose duty it shall be forthwith to appoint three discreet persons, disinterested freeholders, to view and examine said roads in their respective counties, and on the report of said viewers or any two of them, that the road has been completed according to the true intent and meaning of this act, it shall be the duty of said county court to issue its order, authorizing the president and directors to erect gates at such points as they may select, as restricted and regulated in the seventh section of this act, and to appoint toll gatherers to demand and receive toll at each gate.

Duty of County court.

SEC. 12. *Be it enacted*, That if any person shall refuse to pay the toll hereby granted at the time of offer-

Punishy for pass-  
ing gate.

ing to pass, the toll gatherers may refuse the passage of such person or persons, and things, subject to toll as aforesaid, or if any thing or article shall pass without paying the toll, by any means whatever, when demanded by the toll gatherer, the company may, by warrant, from any justice of the peace, recover from the owner or person in possession of the article or subject of toll, five dollars for each offence.

Punishy for road  
out of repair.

SEC. 13. *Be it enacted*, That if said company shall fail to keep said road in good repair, for the space of thirty days, and information shall be given to any justice of the peace, in the neighborhood, he shall issue his warrant to a constable commanding him to summon three disinterested freeholders, to meet at a certain time and at the place complained of, reasonable previous notice having been given to the president or some one of the directors, and if on report of said freeholders on oath, it shall be found, in the presence of said magistrate, that said road is out of repair, according to the true intent and meaning of this act, the toll hereby granted shall cease to be demanded until such defective part of said road shall be put in good repair.

Calls of Stock.

SEC. 14. *Be it enacted*, That the president and directors may require, from time to time, such advances on the shares subscribed as the wants of the company demand. *Provided*, That no call be made for more than five dollars on each share, at any one time, of which twenty days notice in writing, addressed to each of said stockholders, at his nearest post office; and if at any time, a stockholder shall fail to pay such installments on his stock, as may be called for, at the time and in the manner prescribed, the board of directors, at the time being, shall have full power to declare such stock forfeited, and shall, after giving ten days notice thereof, offer the same for sale, to the highest bidder, for cash; (at least five days notice of the time and place of sale being given to the said delinquent stockholder;) and the number of shares so sold, shall be transferred, by the president and directors, to the highest bidder, who shall by virtue of said transfer, become a member of said company, and if the same be not equal to the amount paid, and the call for which it was sold, the company may proceed to collect the residue from the original stockholder by suit in any court or tribunal in this state having jurisdiction thereof; and judgment rendered for installments of stocks, shall not, if rendered by a justice of the peace, be subject to stay of execution.

SEC. 15. *Be it enacted*, That if said company shall not begin the said road within five years after the passage of

this act, and complete the same in ten years thereafter, in the manner herein provided, then this charter shall be forfeited.

SEC. 16. *Be it enacted*, That an act to incorporate the Western Central Turnpike company and for other purposes, passed on the 21st of December 1849, be and the same is hereby revived, and that the stockholders of the Western Central turnpike company have the further time of five years to commence said road, and ten years to complete the same.

SEC. 17. *Be it further enacted*, That in Decatur county, John L. Muston, John Parson, L. L. Manskoe, F. J. Parvatt, and in Henderson county, Wm. H. Warren, Richard Timberlick, Wm. F. Kizer, James W. Glass, and Gilbert H. Derrybury, be appointed additional commissioners, with all the powers and privileges of the commissioners heretofore appointed; the seventh section of said act shall be so amended as to have a toll gate every seven miles.

SEC. 18. *Be it further enacted*, That John C. Porter, James C. Currier, Pleasant Pryor, Owen H. Edwards, Wm. S. Blakemore, D. G. Kendall, Crawford Bradford, and their associate stockholders, be hereby incorporated a body politic, under the style of the Paris and Tennessee river company, for the purpose of building a plank, gravel or other turnpike road, from Paris to the Tennessee river, with the powers, rights, and privileges as far as applicable, of the Clifton and Jackson turnpike company; and that the above persons be appointed commissioners to open books for subscription at such times and places, in Henry county, as they may designate, by giving twenty days notice thereof, in writing, at the court house in said county; and whenever said commissioners shall receive five thousand dollars in subscriptions, the company may organize by the election of officers and begin the prosecution of said road.

SEC. 19. *Be it further enacted*, That said company may build the said road so as to branch and run to the mouth of Sandy and the Paris landing, upon the Tennessee river.

SEC. 20. *Be it further enacted*, That if a mere graded dirt turnpike be established under this act, there shall be but two gates erected between Paris and the Tennessee river, at such points as may be designated by the company, within not less than ten miles of each other.

SEC. 21. *Be it further enacted*, That John A. Gardner, Wm. R. Ross, Wm. W. Gleason, Wm. Scott, D. P. Caldwell, Willis Nailing, and their associate stockholders, are hereby incorporated a body politic, under the

style of the Dresden and Hickman Company, for the purpose of building a road from Dresden to Hickman, Kentucky, with the powers, rights and privileges, as far as applicable, of the Clifton and Jackson Turnpike Company, and that said persons are hereby appointed commissioners, who may open books for subscription, at such times and places, in Weakley and Obion counties, as they may designate, by giving twenty days notice in writing at Dresden and Jacksonville, and upon receiving five thousand dollars in subscriptions, may organize by the election of officers, and proceed to the prosecution of said work.

Caldwell and  
Boyd's road.  
SEC. 22. *Be it further enacted*, That the rights of the owners of the turnpike over the Obion, owned by Caldwell and Boyd, shall not be prejudiced by this act, but the said owners may subscribe it as stock in said Dresden and Hickman Company, if the valuation can be agreed upon by the two companies; if not, the said Dresden and Hickman Company may erect their gates, as to distance, without reference to the gate of the said Boyd and Caldwell.

SEC. 23. *Be it further enacted*, That if a mere graded dirt turnpike road be established under this act, there shall not be more than one gate for each ten miles of said road.

Columbia,  
Mooresville, Cornersville  
and  
Lewisburg Turnpike Co.  
SEC. 24. *Be it enacted*, That an act, entitled "an act to incorporate the Columbia, Mooresville, Cornersville and Lewisburg Turnpike Company," be so amended as to extend the time, in which the companies formed under said act are required to commence said turnpike, from two to three years.

Russell's Mill-dam.  
SEC. 25. *Be it enacted*, That James R. Russell and A. H. Russell, of Knox county, be authorized to build a mill-dam across a small sluice, north of an island in Holston river, owned by said Russells.

Tennessee Mining Company.  
SEC. 26. *Be it enacted*, That a body corporate and politic, by the name and style of the Tennessee Mining Company, for the purpose of exploring and mining for copper, iron and other ores, minerals and metals, and for mining, working, smelting, manufacturing and vending the same, is hereby constituted and established in this State, to continue and have succession for the term of ninety-nine years, with power to make and use a common seal, and the same to alter at pleasure; to make such by-laws, not inconsistent with the laws of this State and of the United States, as it may deem useful and necessary for its government; in its said corporate name, to sue and be sued, to plead and be impleaded, to hold by purchase or otherwise, and dispose

of in any way, any real estate or personal property, which may be useful or necessary for carrying on its operations, or which it may become possessed of, in payment of debts due to it. *Provided always*, That the cost of all such real estate, shall not exceed the maximum amount of the capital stock hereinafter provided for.

SEC. 27. *Be it enacted*, That the capital stock of said company shall be divided into shares of one hundred dollars each, or such other sum as the commissioners, hereinafter named, shall fix and declare, which shall be considered in law as personal property, it shall consist of not less than two hundred thousand dollars, and not more than five hundred thousand dollars; it shall be transferable only on the books of said company, but no transfer or alienation of said stock shall be valid in law or equity, without the consent of the board of directors, a majority thereof being in session, unless all assessments due on said stock shall have been previously paid up in full, or whilst the transferring stockholder shall be in anywise indebted to said company. Capital Stock.

SEC. 28. *Be it enacted*, That the directors shall have power to declare as a forfeiture to said company, any share or shares of said stock, which shall remain unpaid, in whole or in part, or in the option of said directors, said company may sue for and recover any such unpaid instalments, in whole or in part, before any court or justice of the peace having jurisdiction over the sum or sums of money so remaining due on said stock. *Provided always*, That said forfeiture shall not be valid as against any stockholder living in this State, unless upon default on the part of a stockholder, after thirty days notice of a call on said stock, to be published in some newspaper, printed either in the town of Nashville, or of Athens, or of Knoxville, and after thirty days notice in writing, as to stockholders living out of this State. Forfeitures.

SEC. 29. *Be it enacted*, That said company may at its pleasure, and in such manner and form as the directors shall elect and declare, increase the capital stock thereof to any sum it may deem necessary or advisable, between the minimum and maximum amounts thereof, as hereinbefore provided; and said directors shall have power to sell, dispose of, or take subscriptions for such increased and additional stock, in such manner and form, and at such time and place, and on such terms as they may think proper to order and prescribe. May increase stock.

SEC. 30. *Be it enacted*, That all stockholders, not having paid in the calls which have been made on their

**Liability of stockholders;** stock, shall be individually liable to the creditors of the company, to the amount so remaining unpaid, and in like manner shall the directors be individually liable for any amount they may declare, and authorize to be paid to the stockholders as dividends, when the company shall be unable to pay all debts due by it; to avoid such responsibility on his part, the dissenting director shall enter, or cause to be entered, on the minutes of the board his dissent thereto; or, if not present when the act is done, he shall so record, or cause to be recorded, his dissent thereto within thirty days after such dividend shall have been authorized.

**Commissioners** **Mediators.** **Sec. 31.** *Be it enacted,* That Charles Congdon, D. H. Arnold, Samuel Congdon, James S. Stone and R. C. Greene; are hereby appointed commissioners, who, or any three or more of them, after having given ten days notice of the time and place, or times and places, for so doing; such place being in or out of the State, as they may choose, open books for subscriptions to the capital stock of said company, and may keep such books open for subscription until the number of five hundred shares or a greater number, as they may decide, not exceeding the maximum number provided for, shall have been taken. So soon as the number of shares agreed upon by the acting commissioners, shall have been subscribed for, they shall give not less than ten days notice, and the stockholders may proceed and elect from their own body a board of directors, each share entitling its owner to one vote in all elections by the stockholders, who may vote by proxy or in person for the said board of directors, or on any questions submitted to a meeting of them. The said board of directors shall consist of three, one of whom shall be elected president, and he and the other members of the board shall hold their places for the term of one year, or until their successors shall have been elected. *Provided,* A failure so to elect, shall in no wise cause a forfeiture of this charter. *And also provided,* That no stockholder shall be entitled to vote, who may be in arrears of calls previously made on stock owned by him. The said president and board of directors shall elect, appoint and employ all other officers, agents, managers, &c., necessary for conducting the affairs of said corporation, and affix their salaries, and do, on behalf of the company, all such other acts as are incident to such bodies, the said directors causing regular minutes of their proceedings to be kept, which shall be open to the inspection of any shareholder desiring to inspect them.

**Sec. 32.** *Be it enacted,* That the directors shall cause

a book to be kept, containing the names of all persons <sup>Keep books.</sup> who are stockholders of said company, showing their places of residence, and the number of shares of stock held by each respectively, and the time when they became respectively the owners of said shares, and the amount of stock actually paid in, which book shall, during the usual business hours of each secular day, be open at the place of business of said company for the inspection of the stockholders and creditors of the company and their representatives.

SEC. 33. *Be it enacted*, That said corporation may divide their original stock into such number of shares, and provide for the sale and transfer thereof, in such manner and form as they may deem expedient; and whenever said company shall, by purchase, lease or otherwise, become possessed of any mine, mines or mineral rights, without the limits of this State, the directors may make a separate and distinct interest of each mine, and divide such interest into such number of shares as they may deem expedient, not exceeding in amount two hundred thousand dollars for each mine, and may levy and collect assessments; forfeit and sell delinquent shares; declare and pay dividends on the shares of said mines, in such manner as their by-laws may direct. <sup>May divide stock.</sup>

SEC. 34. *Be it enacted*, That said corporation shall not contract debts over and above the amount of capital stock actually paid in; no part of which shall be withdrawn, or in any manner divested from the business of said company.

SEC. 35. *Be it enacted*, That a body corporate and politic, by the name and style of the Ocoee Mining Company, for the purpose of exploring and mining for copper, iron and other ores, minerals and metals; and for mining, smelting, manufacturing and vending the same, is hereby constituted and established in this State, to continue and have succession for the term of ninety-nine years, with power to make and use a common seal, and the same to alter at pleasure; to make such by-laws, not inconsistent with the laws of this State and of the United States, as it may deem useful and necessary for its government in its said corporate name, to sue and be sued, to plead and be impleaded, to hold by purchase or otherwise, and to dispose of in any way any real or personal estate which may be useful or necessary, for carrying on its operations, or which it may become possessed of in payment of debts due to it. *Provided always*, That the cost of such real estate shall not exceed the maximum amount of the capital stock hereinafter provided for. <sup>Ocoee Mining Company.</sup>

Capital Stock.

SEC. 36. *Be it enacted*, That the capital stock of said company shall be divided into shares of one hundred dollars each, or such other sum as the commissioners, hereinafter named, shall fix and declare, which shall be considered in law as personal property; it shall consist of not less than two hundred thousand dollars, and not more than five hundred thousand dollars; it shall be transferrable only on the books of said company, but no transfer or alienation of said stock shall be valid in law or equity, without the consent of the board of directors, a majority thereof being in session, unless the assessment on said stock shall have been paid up in full, or whilst the transferring stockholder shall be in any way indebted to said company.

Forfeitures.

SEC. 37. *Be it enacted*, That the directors shall have power to declare, as a forfeiture to said company, any share or shares of said stock, which shall remain unpaid, in whole or in part, or in the option of said directors; said company may sue for and recover any such unpaid instalments, in whole or in part, before any court of justice having jurisdiction over the sum or sums of money so remaining due and unpaid. *Provided always*, That such forfeiture shall not be valid, as against any stockholder living in this State, unless upon default on the part of a stockholder, after thirty days notice of a call on said stock, to be published in some newspaper printed in the town of Nashville, or of Athens, or of Knoxville, and after thirty days notice, in writing, as to stockholders living out of this State.

May increase capital.

SEC. 38. *Be it enacted*, That said company may at its pleasure, and in such manner and form as the directors shall elect and declare, increase the capital stock thereof to any sum it may deem necessary and advisable between the maximum and minimum amounts thereof, as heretofore provided for, and said directors shall have power to sell, dispose of, or take subscriptions for such increased and additional stock, in such manner and form, and such time and place, and on such terms as they may think proper to order and prescribe.

Liability of stockholders.

SEC. 39. *Be it enacted*, That all stockholders, not having paid in the calls which shall have been made on their stock, shall be individually liable to the creditors of the company to the amount so remaining unpaid; and in like manner shall the directors be individually bound for any amount they may declare and authorize to be paid to the stockholders as dividends, when at the time of so declaring and paying out, the company shall be unable to pay all debts due by it; to avoid such responsibility on his part, the dissenting director shall en-

ter, or cause to be entered on the minutes of the board, his dissent thereto, or if not present when the act is done, he shall so record, or cause to be recorded, his dissent thereto, within thirty days after such dividend shall have been authorized.

Sec. 40. *Be it enacted*, That William P. Tift, Lewis Legreil, John Caldwell, Samuel Congdon and Benj. C. Harris, are hereby appointed commissioners, who, or any three or more of them, may, after having given ten days notice of the time and place, or times and places, for so doing, such place being in or out of the State, as they may choose, open books for subscription to the capital stock of said company, and may keep such books open for subscription until the number of five hundred shares, or a greater number, as they may decide, not exceeding the maximum number provided for, shall have been taken. So soon as the number of shares agreed upon by the acting commissioners shall have been subscribed for, they shall give not less than ten days notice, and the stockholders may proceed to elect from their own body a board of directors, each share entitling its owner to one vote in all elections by the stockholders, who may vote by proxy or in person for the said board of directors, or on any questions submitted to them. The said board of directors shall consist of three, one of whom shall be elected president, and he and the other members of the board shall hold their places for the term of one year, or until their successors shall have been elected. *Provided*, A failure so to elect shall in no wise cause a forfeiture of this charter. *And also provided*, That no stockholder shall be entitled to vote, who may be in arrears of calls previously made on stock owned by him. The said president and board of directors shall elect, appoint or employ all other officers, agents, managers, &c. &c., necessary for conducting the affairs of said corporation; and affix their salaries, and do on behalf the company all such other acts as are incident to such bodies; the said directors causing to be kept regular minutes of their proceedings, which shall be open to the inspection of any shareholder desiring to inspect the same.

Sec. 41. *Be it enacted*, That the directors shall cause a book to be kept, containing the names of all persons who are stockholders of said company, showing their place of residence, and the number of shares of stock held by each respectively, and the time when they became respectively the owners of said shares, and the amount of stock actually paid in, which book shall, during the business hours of each secular day, be open

at the usual place of business of said company, for the inspection of the stockholders and creditors of the company and their representatives.

Powers

SEC. 42. *Be it enacted*, That the said corporation may divide their original stock into such number of shares, and provide for the sale and transfer thereof, in such manner and form as they may deem expedient; and whenever said company shall, by purchase, lease or otherwise, become possessed of any mine, mines or mineral rights, without the limits of this State, the directors may make a separate and distinct interest of each mine, and divide such interest into such number of shares as they may deem expedient, not exceeding in amount two hundred thousand dollars, each mine, and may levy and collect assessments, forfeit and sell delinquent shares, declare and pay dividends on the shares, of said mines, in such manner as their by-laws may direct.

SEC. 43. *Be it enacted*, That said corporation shall not contract any debts over and above the amount of capital stock actually paid in, no part of which shall be withdrawn, or in any manner divested from the business of said company.

JORDAN STOKES,

*Speaker of the House of Representatives.*

M. R. HILL,

*Speaker of the Senate.*

Passed, February 25, 1852.

## CHAPTER CCLXXXVIII.

AN ACT to authorize William L. Adams and Thomas B. McElwee, of the county of Meigs, to open a Turnpike Road from McElwee's Factory, in Meigs county, to Athens, in McMinn county, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That William L. Adams and T. B. McElwee, of Meigs county, shall be, and they are hereby authorized to open a turnpike road, commencing at or near McElwee's Factory, in Meigs county, and running the nearest and most practicable route to or near the Athens depot, in McMinn county.

SEC. 2. *Be it enacted*, That the said road shall be opened twenty feet wide, and with sufficient ditches to carry off the water and drain the same at all times.

SEC. 3. *Be it enacted*, That should any person, through

whose lands said road may pass, consider their land <sup>Damages.</sup> damaged by said road, and in the event the said William L. Adams and Thomas B. McElwee cannot settle with such person between themselves, the amount of such damages, then, and in that case, the said William L. Adams and Thomas D. McElwee shall choose one disinterested freeholder, and the person so complaining shall choose another, and the two thus chosen shall select a third disinterested freeholder, and the three thus chosen shall view the premises and assess the damages, taking into view the advantages and disadvantages of the road to said lands, and their assessment shall be binding upon the parties concerned, and the amount of damages so assessed, if any, shall be recoverable by law, before any tribunal having jurisdiction thereof.

SEC. 4. *Be it enacted*, That so soon as they have five <sup>Toll.</sup> miles of said road completed, they shall be allowed to put up one gate at any point they may see fit upon said road, at which they may charge and receive the following rates of toll, to wit: For every loaded wagon, drawn by four horses, mules or oxen, twenty-five cents; for every cart, ten cents; for every four wheeled pleasure carriage, twenty-five cents; for each carryall or dearborn wagon, fifteen cents; for each two wheeled carriage, ten cents; for each man and horse, five cents; for all loose horses, mules or cattle, two cents per head; for every ten head of hogs, sheep or goats five cents.

SEC. 5. *Be it further enacted*, That so soon as the balance of said road is completed, they shall be allowed to put up one more additional gate, with the same privilege of receiving toll as set forth in the fourth section of this act.

SEC. 6. *Be it enacted*, That whenever it is or may be necessary to build a bridge, or lay causways, they shall be at least fourteen feet wide.

SEC. 7. *Be it enacted*, That if any person passing on said road, and refusing to pay the toll herein allowed, the gate-keeper may lawfully refuse such person or persons a passage, and in the event such person or persons shall refuse to pay, and force a passage, such person shall forfeit and pay a fine of five dollars for each and every such offence, to be recovered by action of debt, before any justice of the peace in the county of Meigs or McMinn. <sup>Penalty for party not gate.</sup>

SEC. 8. *Be it further enacted*, That when said road shall be completed, or the first five miles, as the case <sup>Commissioners to view.</sup> may be, that it shall be the duty of the county court of McMinn county, upon application being made to them,

to appoint three disinterested freeholders to examine said road, and upon the report of any two of them, that the road has been completed agreeably to the provisions of this act, the gate or gates herein provided for, and the tolls herein allowed, may be erected and charged, and the commissioners shall be allowed a reasonable compensation, to be paid by the said Adams and McElwee, their executors, heirs, administrators or assigns, for their services.

Penalty for road  
out of repair.

SEC. 9. *Be it enacted*, That if any person shall give information on oath, before any justice of the peace in either county where the road runs, that the road is not in good repair, as provided in this act, the justice shall issue his warrant, directed to the sheriff or any constable, to summon three disinterested freeholders, whose duty it shall be to examine said road and report to any justice upon oath, and upon this report, if it should appear that said road is out of repair, the said justice shall have power, and is hereby authorized to issue his warrant to the sheriff or constable, to cause said toll-gate to be opened, and the collection of all tolls suspended until said road shall be repaired, and the said Adams and McElwee shall pay the cost if said road should be reported out of good repair; if any person should make complaint and fail to have said road declared out of good order, and the gate or gates opened as herein provided, the person making such application shall be taxed with the cost of this proceeding, as in other cases; if said road should be declared not in good repair, and should thus remain for twelve months out of repair, all the rights, privileges and immunities hereby granted, shall be forfeited and forever cease.

SEC. 10. *Be it enacted*, That the rights and privileges granted in this act, shall continue for ninety-nine years to the said Adams and McElwee and successors, and their heirs and assigns.

Not to put gate  
on county road.

SEC. 11. *Be it enacted*, That should it be found necessary or expedient for said road to run for a short distance upon any county road, it shall not be lawful for said Adams and McElwee to put up either gate upon said road, at any point where it may be necessary for such short distance to be built upon any county road, but it shall be and remain as heretofore, free and open for the travel of all citizens.

Broad Street  
Bottom Company

SEC. 12. *Be it enacted*, That a company is hereby incorporated, with authority to reclaim from overflow the lands in what is known as the Broad street bottom, or Tan Yard branch bottom, on the south-east side of Nashville, which lands are submerged by back-water

from the Cumberland river, with all the powers and privileges, liabilities and restrictions which attach to the company to reclaim lands submerged by back-water from the Cumberland river on the north-west side of the city of Nashville, as chartered by the act of 9th February, 1850, ch. 85, so far as the same may be applicable to this company; that said company shall be known by the name and style of the Broad Street Bottom Company, and that Anthony W. Johnson, Jacob McGavock, James Parish, Isaac Garritson and F. K. Zollicoffer, be appointed commissioners for opening books of subscription for stock in said company, which stock shall consist of two thousand five hundred shares, of one hundred dollars each; that the owners of the lands submerged as aforesaid, shall be authorized to elect three trustees, with power and authority to contract with said company for reclaiming the said lands, as is provided for the owners of the submerged lands north-west of Nashville, in the act of 1850, chap. 85, aforesaid. *Provided*, That this act shall not be so construed as to authorize the levying a tax upon any part of the lands designated as College lands, in said bottom, and which are now exempted from taxation, unless the owners voluntarily agree that they shall be taxed for the said purpose of reclaiming them from the overflow of the Cumberland river.

Sec. 13. *Be it further enacted*, That Allen McDonald is hereby authorized to put one more gate on the turnpike road from Jamestown through Huntsville, and thence to the town of Jacksboro', and that he be allowed to receive the same tolls as are now allowed to him by law at the other gate.

Jamestown,  
Huntsville and  
Jacksboro T. C.

JORDAN STOKES,

*Speaker of the House of Representatives.*

M. R. HILL,

*Speaker of the Senate.*

Passed, February 26, 1852.

## CHAPTER CCLXXXIX.

AN ACT to authorize Charles F. Welcker, Willis S. Senter and Absolom Adkerson to construct a Turnpike Road, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Charles F. Welcker, Willis S. Senter and Absolom Adkerson, are authorized to open and keep in repair a turnpike road, commencing where the road crosses the Indian fork of Poplar creek, and at the south foot of Walden's ridge, near Moses Winters'; then the nearest practicable route to the Kentucky line, at or near where New river crosses the same. *Provided*, The said Charles F. Welcker, Willis S. Senter and Absolom Adkerson shall, within three years from the passage of this act, make said road as hereinafter required.

SEC. 2. *Be it enacted*, That it shall be the duty of said company to open said road at least eighteen feet wide, except on hill and mountain sides, where it shall be fourteen feet wide, clear of timber, roots and rocks which might impede the progress of wagons or other carriages, where the ground over which it passes will permit it to be done. No elevation on said road shall exceed seven and a half degrees, and to bridge all water courses on said road with substantial materials, at least fourteen feet wide, and place substantial hand rails on said bridges, and mile mark said road.

Style of road.

Commissioners.

SAC. 3. *Be it enacted*, That Moses Winters and John Butler, are hereby appointed commissioners, who shall be governed by the same rules, and have the same powers that the commissioners have who are appointed on George Gordon's and William Brown's turnpike road.

SEC. 4. *Be it enacted*, That said company, their heirs and assigns, are authorized to erect and keep a gate on said road, and to demand and receive from every person passing said gate, except persons going to meeting, to court, muster, blacksmith-shops, or mill, the following tolls, to wit: For each four wheeled carriage and its burthen, if drawn by one horse, mule or ox, thirty-seven and a half cents, if by two, fifty cents, if by three or four, seventy-five cents, and if by six, eighty cents; for two wheeled carriages drawn by one horse, twenty cents; all pleasure carriages, drawn by four horses, mules or oxen, sixty-two and a half cents; for two horse pleasure carriage, fifty cents; for single man and horse, ten cents; for each single horse, mule or oxen, three cents; for each hog, sheep or goat, one cent.

Tolls

SEC. 5. *Be it enacted*, That if any person shall forcibly or secretly pass said gate without paying the toll, or go around the gate to avoid the payment of toll, such person, so offending, shall forfeit and pay five dollars for every such offence, to the said company, their heirs and assigns, to be recovered by action of debt, before any justice of the peace in this State. Penalty.

SEC. 6. *Be it enacted*, That the person appointed to keep said gate, by said company, shall take the same oath that is prescribed by law for persons keeping said Brown and Gordon's turnpike gate.

SEC. 7. *Be it enacted*, That it shall be the duty of the commissioners aforesaid, when notified by the said company, that said road is in the condition contemplated by this act, to proceed and examine said road, and if they find the same to be in a proper state of repair, they shall issue to said company a license, authorizing them to take the toll set forth in this act; and it shall be the duty of the aforesaid commissioners to view said road once at least every six months, and if they find said road out of repair, it shall be their duty to open said gate, and for their services as said commissioners, shall be entitled to receive from the company two dollars for each day employed about the same.

SEC. 8. *Be it enacted*, That said company and their successors shall have and enjoy all the rights and privileges secured by this act, for the term of ninety-nine years and no longer.

SEC. 9. *Be it enacted*, That the charter granted to Joshua Parsons and others, to open and keep up a turnpike road from the mouth of Abraham's creek, in Blount county, to the North Carolina line, on the top of the Smoky Mountain, be and the same is hereby revived in the name of J. H. Parsons; and he shall have all the powers and privileges, and be subject to all the liabilities that are specified in the act granting the charter to the said Joshua Parsons and others. Joshua H. Parsons' road.

JORDAN STOKES,

*Speaker of the House of Representatives.*

M. R. HILL,

*Speaker of the Senate.*

Passed, February 26, 1852.

## CHAPTER CCXC.

AN ACT to incorporate the Nashville Ladies College, and the Odd Fellows Female Collegiate Institute at Trenton, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That R. J. Meigs, Wm. Nichol, W. B. Shapard, O. B. Hays, S. D. Morgan, Willo. Williams, John M. Lea, Nathaniel Cross, James Woods, John D. Kelly R. C. Foster, 4th, John A. McEwen, Eugene Underwood and Alex. Allison, and their successors in office, be and are hereby constituted a body politic and corporate in the city of Nashville, Davidson county, by the name and style of the Trustees of the Nashville Ladies College, and by that name shall have perpetual existence, and a seal, which they may break, alter or renew at pleasure; and said trustees and their successors shall be capable in law or equity to purchase, receive or hold to themselves and their successors, any and all property, real, personal or mixed, necessary for the purposes of said Ladies College, however the same may be acquired; and to use and dispose of the same in such manner, as they may think best, for the benefit of said Ladies College; and by such name said trustees may sue and be sued, plead and be impleaded, in any court of law or equity in this State or elsewhere.

Incorporation.

SEC. 2. Said board of trustees, any five of whom shall constitute a quorum for the transaction of business, from time to time, shall have power to make such by-laws and regulations for the government of themselves and said Ladies College as they or a majority of them may agree upon; to appoint a president of said Ladies College who shall be, *ex officio*, President of the Board, also a Secretary and Treasurer of said board, and all other officers necessary for the government of said institution: *Provided*, such by-laws and regulations are not inconsistent with the constitution of the United States and of the State of Tennessee.

Powers.

SEC. 3. That said board of trustees shall have power to employ all necessary teachers and lecturers, fix the rate of tuition, prescribe the course of study, to confer if they think proper, such literary degrees and diplomas, as are usually conferred in such institutions, and shall have and enjoy and exercise all other powers and privileges, that are incident to corporations of this description.

Verdicts.

SEC. 4. That in case of the death, resignation or refusal to serve on the part of any or either of the members of said board of trustees, or of any hereafter to

be elected, the vacancy thus created may be filled by the board, by the election of a suitable person or persons to fill the same.

SEC. 5. That, in the sale and conveyance of property belonging to said Ladies College the name of the president of the board shall be sufficient, signed to such conveyance, to make the same valid in law.

SEC. 6. *Be it enacted*, That Jos. D. Hill, John D. McDowell, Robert Seat, Luke P. Seay, Henry C. Seay, Geo. S. Rainey, R. B. McGee, R. P. Raines and M. B. King, and their successors, be, and the same are hereby constituted a body corporate and politic, by the name and style of the Trustees of the Odd Fellows' Female Collegiate Institute at Trenton, belonging to, and under the control of Friendship Lodge No. 22, of the I. O. O. F. at Trenton, to have perpetual succession, and a common seal, and the same to alter or break at their pleasure, and by said name to sue and be sued, plead and be impleaded, answer and be answered unto, in all the courts of this State, and in all kinds of actions, and generally to do and perform all other acts and things which, as a body corporate, they may lawfully do for the purposes hereinafter named.

Odd Fellows  
Collegiate Insti-  
tute at Trenton.

SEC. 7. *Be it enacted*, That said trustees and their successors shall have full power to purchase, or receive by gift, grant or otherwise, and to hold real and personal property to the amount of two thousand dollars, to sell or mortgage the same, to contract loans and make notes for such loans, and do every thing which may be necessary or expedient in building, completing and furnishing an Odd Fellows' Hall, and in purchasing, adding to, and keeping up a Female Collegiate Institute in connection therewith, for the promotion of science and education, and more effectually to carry out the object and intention of said order, in such a manner as a majority of said trustees may deem best, and to adopt by-laws and rules for their government, and that of said Institute, and do and perform all other things necessary to carry out the intention of this charter, not inconsistent with the constitution and by-laws of said order, or the constitution of the United States, or of the State of Tennessee.

Powers.

SEC. 8. *Be it enacted*, That said trustees shall hold their office for the term of one year, and until their successors shall be elected or appointed, which shall be done by said Order at Trenton, and in manner as directed by the rules and regulations of the same; and any vacancy in said board of trustees may be filled, for the unexpired time, in the same manner; they may at their

Officers.

first meeting elect by ballot a chairman, treasurer and secretary from their own number, who shall hold their offices until others are elected, and said secretary shall keep a record of their proceedings; said trustees shall also select a president, in such manner as they may deem best, for said Collegiate Institute, who shall have power to select his own professors and tutors, unless otherwise directed by two-thirds of said trustees, who shall constitute the faculty of said institute, a majority of said trustees shall constitute a quorum to transact business, except as aforesaid.

May confer  
degrees.

SEC. 9. *Be it enacted*, That said trustees and faculty of said institute, are hereby vested with all the powers, privileges, franchises and endowments that are granted to the trustees and faculty of other female colleges in this State, and they shall have power to confer the same honors and academical degrees upon the students thereof, and others, as are usually conferred in similar institutions in the United States, and to grant diplomas or certificates of such honors or degrees.

Pres.

SEC. 10. *Be it enacted*, That said trustees shall prescribe the course of studies, and fix the tuition fees in said institute, purchase books and apparatus for the use of the same; and said faculty, or a majority of them, shall have power to suspend, reprimand or expel any student of said institute for a violation of the rules or by-laws of the same, and any student, so dealt with, may appeal to said board of trustees. The immediate government of the said institute shall belong exclusively to the president and the faculty thereof.

SEC. 11. *Be it enacted*, That the land on which said Hall and Institute shall be situated, and all the buildings and other property of said corporation, or order, shall forever be exempt from taxation of all and every kind, and the provisions of this act shall take effect from and after the date of its passage.

Penitentiary.

SEC. 12. *Be it enacted*, That an act passed on the day of January 1852, entitled "an act to better regulate the manner of keeping the finances of the Penitentiary, and for other purposes" be so amended that it shall take effect and be in force from the date of its passage.

Corporation of  
Nashville ex-  
tended.

SEC. 13. *Be it further enacted*, That the corporate limits of the city of Nashville be enlarged and extended as follows—beginning at the intersection of Broad and High streets and running thence South thirty-five degrees East to the south boundary line of the College grant of land, it being the north boundary line of the corporation of South Nashville, thence westwardly with the

same, to the northwest corner of the limits of South Nashville, thence westwardly to the southeast corner of lot No. 188 in Kirkman's and Porter's survey of town lots, thence in a north west direction to the southeast corner of the property of the State, on which the Penitentiary is situated, thence northwardly along the east side of said property, to where the same intersects the Charlotte Turnpike road, thence northward to where Madison street extended in David T. McGavock's survey meets the old Hyde's Ferry road, thence eastwardly along said street to the east side of the Hyde's Ferry turnpike road, thence northwardly along the east side of said road to where the same is intersected by Monroe street in said McGavock's survey, thence eastwardly along Monroe street to where the same intersects Summer street extended, thence northwardly, along Summer street extended to Hume street on the north side of the Horticultural Garden, thence eastwardly along the centre of Hume street and in the same direction thereof to the middle of Cumberland river, thence up said river in the middle thereof to the northeast corner of the present boundary of the city of Nashville, thence southwestwardly with the North boundary line of said city to the northwest corner of the same, thence with the southwest boundary of the same to Broad street, and thence with Broad street to the beginning, and all that country and district of country included within the bounds as hereby enlarged and extended, shall be added to and made a part of the corporation of the city of Nashville, together with the inhabitants thereof, who shall enjoy all the rights, privileges and immunities, and be liable to the same restrictions and penalties as other citizens in the present corporate limits of said city, except as herein provided for.

SEC. 14. *Be it further enacted*, That the power of the corporate authorities of said city of Nashville to levy and collect taxes as now provided by law, shall not extend and give the right to levy and collect taxes upon any land or ground embraced in the bounds hereby added to said city until the year 1857, when all said land or grounds shall be liable for corporation taxes, except such as is now expressly exempted by law. Exemption from tax for 5 years.

SEC. 15. *Be it further enacted*, That the sheriff of Davidson county by himself or deputy, shall hold an election on the last Saturday in May next, to ascertain the wishes of the citizens and landholders within the bounds described in the 13th section thereof, at which all persons residing therein and all persons who are Vote to be taken

owners of real estate within said bounds, who are entitled to vote in elections for members of the General Assembly, shall be entitled to a vote; the voters wishing for an extension of the corporation of Nashville, shall put on their ticket the word "Corporation," and those opposed to it shall put on their ticket the words "No corporation," If the majority of said voters shall be in favor of the extension, then this act shall take effect and be in full force, but if a majority shall be opposed to the extension, then this act shall have no force nor effect whatever. The polls shall be opened at such places as the sheriff may designate, at 10 o'clock a. m. and close at 4 o'clock, p. m. and the sheriff shall report and certify the result to the Mayor and Aldermen of Nashville at their first meeting, who shall cause the same to be recorded.

JORDAN STOKES,

*Speaker of the House of Representatives.*

M. R. HILL,

*Speaker of the Senate.*

Passed, February 18, 1852.

## CHAPTER CCXCI.

AN ACT for the relief of Edmond Rouse.

*Be it enacted by the General Assembly of the State of Tennessee,* That the Comptroller of the treasury be authorized and directed to issue a warrant in favor of Edmond Rouse for fifty dollars, to be paid out of any money in the treasury not otherwise appropriated.

JORDAN STOKES,

*Speaker of the House of Representatives.*

M. R. HILL,

*Speaker of the Senate.*

Passed, February 20, 1852.

## CHAPTER CCXCII.

AN ACT to permit Samuel W. Adkinson to erect an additional toll gate on his turnpike road, in Davidson county, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That it shall be lawful for Samuel W. Adkinson to erect an additional toll gate on his turnpike road, in Davidson county, and charge toll at the same. *Provided*, That he shall only charge one-half of the toll, at each of said toll gates, which is now allowed by law to be charged at the gate now upon said road. *And provided further*, That his second gate shall not be less than five miles from the east end of his said turnpike road.

SEC. 2. *Be it further enacted*, That the charter of the Nashville and North Western Railroad Company shall be so amended, that the stockholders shall not be required, upon subscribing, to pay more than one per cent. of their subscriptions, and not that, unless required by the commissioners. Nashville and North Western Railroad.

SEC. 3. *Be it enacted*, That G. D. Phelps, James Camp, G. Bowers, C. N. Ordway, A. M. Wilson, D. McCollum, W. R. Bruce, R. J. Nelson, E. George, S. M. Hampton, L. Scruggs, M. Moore, D. Whitaker, James Grizzard, J. Askin, Ben. Whitaker, A. McDonald, R. Fulton and John Goodrich, be, and the same are hereby constituted commissioners to raise stock, and locate a turnpike road from Elkton to Fayetteville. Elkton and Fayetteville turnpike

SEC. 4. *Be it enacted*, That the road shall be thirty feet wide, the earth thrown up sixteen feet wide, the rock or gravel placed on ten feet wide, and the usual depth, and graded from five to seven degrees. Style of road.

SEC. 5. *Be it enacted*, That the commissioners shall have the power to lay off and locate a road from Mrs. Scruggs' to Boonshill, running up Swan creek; also from the point where the Elkton and Fayetteville turnpike road will cross Bradshaw's creek to Cornersville; also from John Bass' residence, or near that, to Pisgah, upon Indian creek. Route of road.

SEC. 6. *Be it enacted*, That when five miles of the above road is completed, the commissioners have a right to place one gate, the gates may be within two miles of Elkton and Fayetteville. Gates.

SEC. 7. *Be it enacted*, That the above road may intersect the Fayetteville and Pulaski turnpike road, at any point between Fayetteville and Boonshill.

SEC. 8. *Be it enacted*, That the company shall have two years to begin the above roads in, and six to complete them.

Powers.

SEC. 9. *Be it enacted*, That the above road shall have all the rights and privileges granted to the Nashville and Lebanon turnpike company, and subject to all its liabilities.

SEC. 10. *Be it enacted*, That this act shall take effect from and after its passage.

JORDAN STOKES,  
*Speaker of the House of Representatives.*  
 M. R. HILL,  
*Speaker of the Senate.*

Passed, February 27, 1852.

## CHAPTER CCXCH.

AN ACT to establish a Chancery Court for the county of Polk.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the county of Polk shall constitute a chancery district, and a chancery court for the same shall be established, to be held at the town of Benton, in said county, on the first Mondays in February and August.

SEC. 2. *Be it further enacted*, That cases of the citizens of the county of Polk, now pending in the chancery courts at Cleveland, in Bradley county, at Athens, in McMinn county, and at Madisonville, in the county of Monroe, shall, upon the order of the courts at these places respectively, be transferred to the court hereby established, and the clerks and masters of said courts respectively, shall make out and transmit to the clerk and master of the court at Benton, transcripts of all the orders made in the cases, in order to be transferred, and to transmit the same, together with the original papers in the cases, and the clerk and master of the said court, at Benton, shall order the cases so transferred on the docket of his court.

JORDAN STOKES,  
*Speaker of the House of Representatives.*  
 M. R. HILL,  
*Speaker of the Senate.*

Passed, February 25, 1852.

## CHAPTER CCXCIV.

AN ACT to incorporate the Christian Church, in the town of Dresden, Weakley County, Tennessee

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That William B. Martin, Matthew F. Wilson, Philemon T. M. Fowler, Willie Smith, and William R. Ross, and their successors in office, be, and they are constituted a body politic and corporate, by the name and style of the Trustees of the Christian Church, in Dresden, Tennessee, with power to sue and be sued, to plead and be impleaded, answer and be answered unto, in all kinds of suits and actions, and generally to do and perform all other acts and thing which bodies corporate may lawfully do.

SEC. 2. *Be it further enacted*, That the corporation shall have power to receive by gift, donation or purchase, and to hold personal, real and mixed property; to sell, exchange, mortgage or otherwise dispose of the same, as in their judgment may best subserve the interest of the said church. May hold property.

SEC. 3. *Be it further enacted*, That said board shall have power to make all by-laws, rules and regulations, necessary for their own government; to choose their own officers in such manner as the said board shall prescribe; to prescribe the mode in which their successors shall be chosen; to fill vacancies, and to do such other acts and things as may be necessary and proper to the carrying out of the objects of this corporation, provided none of their by-laws, rules and regulations be inconsistent with the constitution and laws of this State. By-laws, &c.

SEC. 4. *Be it further enacted*, That three of said board of trustees shall constitute a quorum to transact business. Quorum.

SEC. 5. *Be it further enacted*, That this act shall take effect from and after its passage.

JORDAN STOKES,

*Speaker of the House of Representatives.*

M. R. HILL,

*Speaker of the Senate.*

Passed, January 10, 1852.

## CHAPTER CCXCV.

AN ACT for the benefit of the Memphis Hospital.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the sum of five thousand dollars per annum, for two years from the first day of January, 1852, be appropriated out of any money in the treasury, not otherwise appropriated, to be paid quarterly to the support and use of the Memphis Hospital, to be paid to the treasurer of the board of trustees thereof, hereinafter appointed, upon the warrant of the Comptroller.

Trustees.

SEC. 2. *Be it further enacted*, That the following persons be, and they are hereby appointed trustees for said hospital, to wit: A. B. Shaw, Eugene McGinney, Sam P. Walker, J. H. McMahon, John P. Caruthers, John Willie, H. G. Smith, who are authorized and empowered to appoint one of their number president of the board, and to appoint a secretary and treasurer of said board, and take bond and security from the same, payable to the State of Tennessee, in the sum of twenty thousand dollars, conditioned for the faithful discharge of his duties as treasurer. *Provided*, That the comptroller shall not issue his warrant for any money herein appropriated, until he shall be notified of the appointment of said treasurer, and the bond of said treasurer is filed in the office of the comptroller.

SEC. 3. *Be it further enacted*, That should the Congress of the United States make an appropriation for said hospital, the appropriation herein made is to cease.

JORDAN STOKES,

*Speaker of the House of Representatives.*

M. R. HILL,

*Speaker of the Senate.*

Passed, February 18, 1852.

## CHAPTER CCXCVI.

AN ACT to provide for the fractional townships in Rutherford, Williamson and Marshall counties, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the common school commissioners in the several districts in the counties of Rutherford, Williamson and Marshall, in which there may be fractional townships, being parts of townships in Bedford county, shall, for their respective fractional townships, make out a report of the scholastic population within their said fractional townships, to the clerk of the county court of Bedford county, after having been sworn to the same; and said court shall order their proportional part of the proceeds of school lands, or the moneys arising therefrom, to be paid to said commissioners for school purposes as the law directs.

SEC. 2. *Be it further enacted,* That all persons who are in possession of school lands, by descent, will or purchase, in good faith, shall be exempt from the provisions of the 3d section of the act of 1826, chapter 35, nor shall they be subject to rents of any kind prior to the commencement of suits against them for the recovery of said lands. Occupants of school lands

SEC. 3. *Be it further enacted,* That the scholastic population, north of Range three and section seven, and south of the line between the counties of Bedford and Williamson, be included in taking the enumeration of the scholastic population in said range and section, and may be permitted to go to the schools in said range and section, which may be supported by the common school fund.

JORDAN STOKES,

*Speaker of the House of Representatives.*

M. R. HILL,

*Speaker of the Senate.*

Passed, February 13, 1852.

## CHAPTER CXC VII.

AN ACT to incorporate the Philomathesian Society, of Burritt College, in the county of Van Buren, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That W. J. Farriss, W. J. Hill, A. Crain, George W. Rogers, E. J. Howard, B. Wallen, W. J. Borden, J. H. Jenton, J. Walker, T. G. Curbe, J. Douglass, W. M. Simpson, N. Baulden, J. A. Pettit, B. F. Bosson, C. S. Bands, V. M. Metcalfe, J. D. Billingsly, H. Cruse, D. H. Wootan, J. C. Green, W. S. Templeton, A. P. Seitz, A. T. Seitz, M. H. Litt, and any others associated, and their successors, be, and they are hereby incorporated and constituted a body politic, by the name and style of the Active Members of the Philomathesian Society of Burritt College, for the purpose of mutual improvement in the arts and sciences, with full power and authority to form and adopt such a constitution and by-laws as may be thought proper for its government. *Provided*, That the same be not inconsistent with the constitution or laws of the United States, the State of Tennessee or of Burritt College.

Powers.

SEC. 2. *Be it enacted*, That said corporation may have and use a common seal, may sue and be sued, plead and be impleaded, answer and be answered in any court of law or equity in this State or elsewhere, and may hold any books, maps, charts, apparatus or any other property which may be given, granted or devised to them, whether real, or personal, or mixed, not exceeding five thousand dollars in value, and may sell and convey the same at pleasure, and may in general exercise all powers usually belonging to corporate bodies, for the purpose of promoting and disseminating useful knowledge, and shall have all the privileges given to the Appolonian Society of Franklin College, and subject to all the laws governing the same, except so far as the same may be inconsistent with the provisions of this act. *Provided*, That said corporation shall in all respects be subordinate to, and submissive to the rules and regulations of Burritt College.

Euphronean Society.

SEC. 3. *Be it enacted*, That H. Childs, W. H. Blanton, W. J. Lipcomb, R. E. Fortson, J. H. Billingsly, R. R. Caldwell, B. Trott, J. B. Sims, J. C. Hester, A. H. Appleton, S. H. Nunnely, E. W. Herndon, A. L. White and S. S. Laffitte, and those associated with them, and their successors, be, and they are hereby incorporated and made a body politic, by the name and style of the Euphronean Society of Franklin College, Tennessee, for the purpose of mutual improvement, in the arts and

sciences and general literature, with full power and authority to form and adopt such a constitution and by-laws as they may think proper for its government, provided the same be not inconsistent with the constitution and laws of the United States, or of the State of Tennessee.

Sec. 4. *Be it further enacted*, That the persons here- Powers.  
by incorporated may use a common seal, may sue and be sued, plead and be impleaded, answer and be answered unto, in all courts whatsoever, and may hold real, personal and mixed property, not exceeding twenty thousand dollars in value, and may sell and convey the same at pleasure, and may exercise all powers belonging to corporate bodies, for the purpose of promoting useful knowledge.

JORDAN STOKES,

*Speaker of the House of Representatives.*

M. R. HILL,

*Speaker of the Senate.*

Passed, February 26, 1852.

## CHAPTER CCXCVIII.

AN ACT for the relief of J. H. Rice.

*Be it enacted by the General Assembly of the State of Tennessee*, That the Comptroller issue his warrant to J. H. Rice for four hundred and eighty dollars, it being due said Rice on a North Carolina land warrant, No. —, for 3840 acres of land at twelve and a half cents per acre.

JORDAN STOKES,

*Speaker of the House of Representatives.*

M. R. HILL,

*Speaker of the Senate.*

Passed, February 23, 1852.

## CHAPTER CCXCIX.

AN ACT to alter the line between the counties of Jefferson and Hawkins.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the territory included in the following bounds which now form a part of the county of Jefferson, be and hereafter form a part of the county of Hawkins, that is to say, beginning on the side of the road leading from Russellville to Knoxville where the Arnot Road intersects said road near Taylor's Blacksmith Shop at Cheek's road; thence with said Arnot's Road to Arnot's gap at the Greene County line.

SEC. 2. *Be it further enacted*, That the persons and property included in the bounds mentioned in the first section of this act, be entitled to all the rights and privileges of the citizens of the county of Hawkins, and be liable to all the duties of the said county of Hawkins from and after the passage of this act.

JORDAN STOKES,

*Speaker of the House of Representatives.*

M. R. HILL,

*Speaker of the Senate.*

Passed, February 16, 1852.

## CHAPTER CCC.

AN ACT to direct and authorize the Secretary of State to procure and furnish to new counties certain decisions of the Supreme Court of this State, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Secretary of State procure a copy of Meigs' Digest for the county of Tipton, and for each one of the counties in this State formed since the adoption of our present (amended) constitution, and which have not been supplied with all the Reports of the Supreme Court, from 1st Yerger down, and that a sum sufficient to pay for the same be appropriated out of any money in the treasury, not otherwise appropriated, to be paid on the warrant of the comptroller.

**SEC. 2.** *Be it further enacted,* That the county courts shall appoint trustees, from time to time, in their counties for such slaves as may have been, or may hereafter be emancipated by will, deed, contract, or other instrument with writing of their masters or mistresses, to which emancipation the State has not given its assent. They shall take from the trustees bond with good security for the faithful discharge of their duties; and shall cause them to report and settle their accounts once in each year, and pay over the funds in their hands, which shall be preserved by the county courts, or placed at interest, from time to time, for the benefit of the person so emancipated. Emancipated slaves.

**SEC. 3.** *Be it enacted,* That the trustee shall have the right to control the emancipated slave placed under his care, and shall possess all the rights, powers and privileges, and be subject to all the responsibilities of the master of said slave, so long as he may be continued as trustee. He may hire out the emancipated slave from year to year, and appropriate the money, or so much as may be necessary to his or her support and maintenance, and the balance, after deducting a reasonable compensation for his or her labor, shall be appropriated to the use of said emancipated slave. Powers of Trustees.

**SEC. 4.** *Be it enacted,* That the provisions of the foregoing section shall not apply to any emancipated slave or slaves for two years after the passage of this act, and for two years after the probate of the will, deed or other instrument of writing emancipating the same.

JORDAN STOKES,

*Speaker of the House of Representatives.*

M. R. HILL,

*Speaker of the Senate.*

Passed, February 27, 1852.

## CHAPTER CCCI.

AN ACT to secure the records of the second Surveyor's District of the State, and for other purposes.

WHEREAS, All the books and papers of William P. Anderson, Surveyor of the second Surveyor's district of the State of Tennessee, together with the general plan of said district, are now in the town of Shelbyville, Bedford county, in this State, and there being no person by law required to take care of and be responsible for said books, papers, and general plan of said second Surveyor's district, or who is authorized to give copies of the same, so that they can be made evidence in any suit within this State, who might desire the same. For remedy whereof,

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That all the books, papers, and the general plan made out by William P. Anderson, Surveyor of the second surveyor's district of the State of Tennessee, and his deputies, and every thing pertaining to the office of said surveyor in relation to said district which is now in the town of Shelbyville, Bedford county, shall be placed in the office of the Register of the Land Office at Nashville, and it is hereby made the duty of said Register and his successors, to be hereafter responsible for the safe keeping of said books, papers and general plan.

Register to give copies. SEC 2. *Be it enacted*, That the Register of Middle Tennessee and his successors in office, are hereby authorized and required to give copy or copies from said books, papers or general plan of said second surveyor's district, to any person or persons who may desire the same, for which said Register may demand and receive the same fees for giving copies or transcripts of any of said books or papers or general plan, as he is now by law entitled to for giving copies of like instruments from his register's books.

Copy to be evidenced. SEC. 3. *Be it further enacted*, That whenever the Register of Middle Tennessee, shall give a copy of any of the books, papers or general plan mentioned in the first section of this act, properly certified under his hand and seal, that it is a true and perfect copy from such books or papers or general plan, as the case may be, said copy so given and certified by said Register shall be received as legal evidence in the trial of any suit in any of the courts of law or equity within the State of Tennessee, in the same manner as though they were the original papers.

**SEC. 4.** *Be it enacted,* That this act shall take effect and be in force from and after its passage.

**SEC. 5.** *Be it enacted,* That the resolution passed at this session of the General Assembly, authorizing the Treasurer and Comptroller of the State to occupy the houses on Capitol Hill, be and the same is hereby repealed.

**SEC. 6.** *Be it further enacted,* That all entries made in the Entry Taker's office of Bedford county, since the election of William E. McKee, be as valid as if made by a regular entry-taker for said county.

JORDAN STOKES,

*Speaker of the House of Representatives.*

M. R. HILL,

*Speaker of the Senate.*

Passed, February 21, 1852.

## CHAPTER CCCII.

AN ACT to alter the line between the counties of Hancock and Hawkins.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Tennessee,* That the line between the counties of Hancock and Hawkins be altered and changed as follows—beginning where the line of said counties now cross the fords of Turkey creek below C. A. Manis's and running a due north course to the top of the river ridge, and with said ridge, eastwardly to George Herd's line, then with said Herd's line, eastwardly crossing the dry branch to two marked sugar trees, thence south, so as to intersect the present line, at the branch by John Smith's and to include Lewis Anderson in the county of Hawkins.

**SEC. 2.** *Be it enacted,* That the county line between the counties of Rutherford and Wilson be so altered as to include the residence of John L. Percy, together with all the lands belonging to him in the county of Rutherford, and that this act shall take effect from and after its passage.

JORDAN STOKES,

*Speaker of the House of Representatives.*

M. R. HILL,

*Speaker of the Senate.*

Passed, February 27, 1852.

## CHAPTER CCCIII.

AN ACT to incorporate the Nashville and Cincinnati Railroad Company.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Tennessee,* That for the purpose of establishing a communication by railway between the city of Nashville and Cincinnati, through the town of Gallatin, in the county of Sumner, either by connecting with the Lexington and Danville railway at Danville, or elsewhere in Kentucky, or with any other railway in the State of Kentucky, which may approach the Tennessee line, or with any railway which may be incorporated by the commonwealth of Kentucky, the formation of a company is hereby authorized, which, when formed, shall be a body corporate, by the name and style of the Nashville and Cincinnati Railroad Company, and by said corporate name shall be capable in law to buy, receive by gift, hold, sell, lease and convey real and personal estate, make contracts, sue and be sued, to make by-laws, and do all lawful acts properly incident to a corporation, and necessary and proper to the transaction of the business for which it is incorporated, and to have and use a common seal, and the same to alter and destroy at pleasure, and shall have perpetual succession of members.

**SEC. 2.** *Be it enacted,* That Samuel D. Morgan, Alex. Allison, John M. Hill, John Shelby, Samuel R. Anderson, John M. Bass, Andrew Ewing, Willo. Williams, Jacob McGavock, A. V. S. Lindsley, M. W. Wetmore, of the county of Davidson; Lee Shute, George Dismukes, William C. Moore, Daniel Donalson, Bennett Douglass, William M. Blackmore, Benj. Howard, John J. White, John Branham, Francis Rogan, R. A. Tompkins, James Gwin, John W. Henry, Harry Smith, Jas. A. Blackmore, Joseph Harlan, David Chenault, John Patterson, Henry Sarver, H. B. Vaughan, Y. A. Douglass, John W. Head, of the county of Sumner; Samuel Sullivan, C. J. Bratton, Dr. Furlong, King Kirby, John C. Marshall, Jesse G. Bledsoe, D. O. Pursly, William Robinson, W. Y. Adams, H. L. Pursly, Anderson Bratton, P. A. Wilkerson, Wm. H. Dewitt, L. B. Griffith, of the county of Macon; John H. Page, W. F. Evans, A. A. Harvey, Samuel Carpenter, Walter Thomas, R. J. Foster, James C. Mullegan and James Stokes, of the county of Allen, in Kentucky; A. Watkins, J. G. Hardy, P. J. Kerley, G. W. Trabue, F. Gorin, A. Trigg, R. Murrell, John T. Rogers, James Page, W. E. Mumford, J. P. Bates and W. J. Wood, jr., of the county of

Barren, in Kentucky; O. Mourse, Jas. Brown, D. S. Howell, C. P. Matingly, M. Doom, E. B. Smith, G. W. Hite, James M. Brown, S. Johnson, John H. Talbot, of the county of Nelson, in Kentucky; S. W. Stone, J. H. Rodman, John Duncan, W. P. Read, W. L. Morris, W. Howell and J. P. Hamilton, of the county of Larue, in Kentucky, be, and they are hereby appointed commissioners, under the direction of whom, or any of whom, subscriptions may be received to the capital stock of the Nashville and Cincinnati Railroad Company, and they may cause books to be opened, at such times and places as they may direct, for the purpose of receiving stock subscribed to the capital stock of said company, and after they shall open said books, they shall continue them opened until they shall receive the amount of the capital stock, or as they may deem expedient; and if any of said commissioners shall die, resign, remove or refuse to act, another may be appointed in his stead by the remaining commissioners, or a majority of them, of the county for which the said commissioner, so not acting, was appointed a commissioner.

SEC. 3. *Be it enacted*, That the capital stock of said Nashville and Cincinnati Railroad Company shall be three millions of dollars, in shares of twenty-five dollars each, which may be subscribed for by any individual, county or corporation; and so soon as four thousand shares of said capital stock shall be subscribed, the subscribers of said stock, their successors and assigns, shall be, and they are hereby declared to be incorporated into a company, by the name of the Nashville and Cincinnati Railroad Company, possessing the powers, rights and privileges specified in the first section of this act. Capital Stock.

SEC. 4. *Be it enacted*, That the stock subscribed shall be paid in such installments and at such times as may be required by the board of directors of said company. *Provided*, That no payment shall be demanded until at least thirty days public notice of such demand shall have been given by said board of directors, by a publication in one or more of the newspapers published within the State of Tennessee, nor shall more than twenty-five per cent. of each share of stock be called for in any one year. But if the exigencies of the company should require the payment of stocks to be made more rapidly than is provided for herein, or should the board of directors, or a majority of the whole number elected consider it expedient, it shall be lawful for them to borrow on the credit of said company, a sum Company may borrow money.

Forfeiture of  
stock.

of money not exceeding six hundred thousand dollars, and if any subscriber shall fail or neglect to pay any installment, or any part thereof, demanded according to the provisions of this section, the same may be recovered by action in the name of said corporation against such defaulting subscriber, before any tribunal having jurisdiction of such cases, and in all such actions, publication as directed in this section shall be the only demand necessary to be proved, or in case such failure or neglect to pay any installment or part of said subscription, demanded according to the provisions of this act, shall continue for the space of sixty days next after the time the same may be due, and payable, the board of directors, may in their discretion order that the same shall be forfeited to the company, and they may also sell it for the benefit of the company if they think proper. But the said board of directors by a majority of the whole board, may remit any such forfeiture on such terms as they may think proper. *And provided further,* That it shall be lawful to receive subscriptions to the capital stock of this company payable in contracts well secured to build such parts of the road or to perform such work in the construction thereof, as may be accepted by the company.

Meetings.

SEC. 5. *Be it enacted,* That so soon as four thousand shares of the capital stock shall have been subscribed, the said commissioners, or a majority of them, shall call a general meeting of the subscribers at such time and place as they may appoint, and shall give at least twenty days public notice thereof in some one or more of the newspapers published in Tennessee, and at such meeting the commissioners shall lay the books before the subscribers or a majority of them; those present shall have the power to elect from among the stockholders seven directors by ballot, to manage the affairs of the company, and these seven directors or a majority of them, shall have the power to elect a President of said company, either from among the directors or any other subscriber or stockholder, and of allowing such compensation for his services as they may think proper, and in such election and on all other occasions wherein a vote of the stockholders of said company is to be taken, each stockholder shall be allowed one vote for every share owned by him or her, and every stockholder may, in writing, depute any other person to vote and act as its, his or her proxy, and the said commissioners or any three of them, shall be the judges of said first election of directors.

SEC. 6. *Be it enacted,* That to continue the succes-

sion of the President and Directors of said company, seven directors shall be chosen annually on the first Monday in June every year by the stockholders of said company, at such place as the President and Directors may designate. *Provided*, That after the first election the said President and Directors may change the time and place of holding all subsequent elections, upon publishing such change not less than twenty days prior to the election, in the papers aforesaid, and the directors or a majority of them, shall have the power to appoint judges of all elections and to elect a president of said company, either from the directors or any stockholder, and allow him such compensation for his services as they may deem proper, and if any vacancy shall occur by death, resignation or refusal to act, of any president or director, before the year for which he may be elected has expired, a person to fill such vacancy for the year, shall be appointed by the president and directors of said company or a majority of them, and that the president and directors of the company shall hold and exercise their offices until a new election of president and directors, and until they are qualified as such; and that all elections which are by this act or by the by-laws of said company to be made at a particular time, if not made at such time, may be made any time thereafter upon public notice being given.

SEC. 7. *Be it enacted*, That a general meeting of the stockholders of said company may be called at any time during the interval between the annual meetings by the president and directors or a majority of them, or by the stockholders owning at least one fourth of the whole stock subscribed, upon giving thirty days notice of the time and place of holding the same; in said newspapers, and when any such meetings are called by the stockholders, such notice shall specify the object of the call, and if at any of such called meetings a majority in value of the stockholders are not present, in person or by proxy, the same shall be adjourned from day to day without transacting any business for any time not exceeding five days, and if within said five days, stockholders having a majority in value of the stock subscribed, do not attend, such meeting shall be dissolved.

SEC. 8. *Be it enacted*, That at the regular annual meeting of the stockholders of said company, it shall be the duty of the president and directors in office for the preceding year, to exhibit a clear and distinct account of the affairs of the company. That at any called meeting of the stockholders, a majority in value

of the holders of the stock subscribed being present, may demand and require similar statements from the president and directors, whose duty it shall be to furnish them when thus required; and that at all general meetings of the stockholders in said company, a majority of them in value may remove from office the president or any of the directors, and fill up the vacancies thus made in the same manner that they could do at their stated annual meetings.

Oath and bond  
of officers.

SEC. 9. *Be it enacted*, That the president and directors of said company, before he or they act as such, shall swear or affirm, as the case may be, that they will and truly discharge the duties of their respective offices to the best of their skill and judgment, and said president and directors or a majority of them, or a majority in value of the stockholders in said company at any of the stated or called meetings, shall have the power to elect or appoint a treasurer of said company, and to require and take of him such bond in such penalty and with such securities as they may prescribe, payable to said company, and conditioned for the faithful keeping and disbursing of all such monies as may come to his hands, and with such other conditions as may be prescribed, upon which bond recovery may be had for a breach of the conditions thereof by suit in the name of said company, in any court having jurisdiction thereof.

Books may be  
kept open.

SEC. 10. *Be it enacted*, That if any of the stock created by this act, shall remain unsubscribed until after the election of the president and directors, the said president and directors, or a majority of them, shall have power to open books and receive subscriptions to any of the capital stock which may remain untaken or unsubscribed for, or to sell or dispose of such untaken stock for the benefit of the company not under its par value, and the subscribers or purchasers of said stock, shall have all the rights of original subscribers, and subject to the same regulations.

Powers.

SEC. 11. *Be it enacted*, That the president and directors or a majority of them, may appoint all such officers, agents or servants, as they may deem expedient for the business of the company, and remove any of them at pleasure; that they or a majority of them, may determine by contract, the pay of such officers, agents and servants, and regulate by by-laws the manner of adjusting all accounts against the company; that they shall have power to erect ware houses, work shops, depots and all other buildings necessary for the transaction of the business of the company; that

they shall have the power to direct and regulate in what manner and by what evidence stock in said company may be transferred, and to pass all by-laws which they may deem necessary or proper for exercising the powers hereby vested in said company, and for carrying into effect this, act. *Provided*, The same shall not be contrary to the laws of the United States or of this State.

SEC. 12. *Be it enacted*, That the capital stock of said company may be increased or diminished by the president and directors or a majority of them, as the exigencies or interest of said company may demand.

SEC. 13. *Be it enacted*, That the president and directors of said company, are hereby vested with all powers and rights necessary to the construction of a railroad from the city of Nashville or South Nashville to the Kentucky line, in the direction of Danville by the town of Gallatin, Sumner county, or by the said town of Gallatin to connect with Lexington or Harrodsburg, or unite with any railway within the State of Kentucky, the route to be by them selected and determined on, not exceeding sixty-six feet wide with as many sets of tracks as they may deem necessary, and that they may cause contracts to be made with others for making said road or any part of it, and that they, their agents, engineers, &c., or those with whom they may contract for surveying or making of said road or any part thereof, may enter upon, use and excavate any land which may be wanted for the site of said road, or the erection of warehouses or other structures or works necessary to said road and its use, or for any other purpose necessary or useful in the construction or repair of said road, or its works or appurtenances, and they may build bridges and construct tunnels. *Provided*, The same do not obstruct the navigation on navigable streams, may fix scales and weights, lay rails, take and use any earth, timber, gravel, stone or other material which may be useful or necessary for the proper construction, completion or repair of said road.

SEC. 14. *Be it enacted*, That where any lands or right of way may be required by the said company for the purpose of constructing the said road, and for want of agreement as to the value thereof, or from any other cause the same cannot be purchased from the owner or owners the same may be taken at a valuation to be made by five commissioners, or a majority of them to be appointed by the circuit or county court of the county where some part of the land or right of way is situated, and the said commissioners before they act,

shall severally take an oath before some justice of the peace, faithfully and impartially to discharge the duty assigned them. In making the said valuation, the commissioners shall take into consideration, the loss or damage which may occur to the owner or owners in consequence of the land being taken or the right of way surrendered, and also the benefit and advantage he, she or they may receive from the erection or establishment of the railroad or works, and shall state particularly the nature and amount of each, and the excess of loss and damage over and above the benefit and advantage, shall form the measure of valuation of the said land or right of way. The proceedings of the said commissioners, accompanied with a full description of the said land or right of way shall be returned, under the hands and seals of a majority of the commissioners, to the circuit court of said county, there to remain on record. In case either party to the proceedings shall appeal from the valuation to the next session of the circuit court of the county where said land is situated, and give reasonable notice to the opposite party of such appeal, the court shall order a new valuation to be made by a jury, who shall be charged therewith in the same term or as soon as practicable, and their verdict shall be final and conclusive between the parties, unless a new trial shall be granted, subject however to an appeal as in other cases; and the lands or right of way so valued by the commissioners or jury, shall vest in said company in fee simple so soon as the valuation may be paid, or when refused if tendered; where there may be an appeal as aforesaid from the valuation of the commissioners by either of the parties, the same shall not prevent the works intended to be constructed from proceeding; but when the appeal is by the company requiring the surrender, they shall proceed or be at liberty to proceed in their works, on condition of giving to the opposite party a bond with good security to be approved by the clerk of the circuit court of the county when the valuation is returned, in a penalty equal to double the said valuation, conditioned for the payment of said valuation and interest, in case the same be sustained; and in case the same be reversed, for the payment of the valuation thereafter to be made by the jury and confirmed by the court. *Provided*, That when the land cannot be had by gift or purchase, the operations of the work are not to be hindered or delayed during the pendency of any proceeding to assess its value as aforesaid, nor shall any injunction or supersedeas be

awarded by any judge or court to delay the progress of said work.

SEC. 15. *Be it enacted*, That in the absence of any contract with the said company in relation to lands through which said road may pass, signed by the owner thereof, or by his agent, or any claimant or person in possession thereof, which may be confirmed by the owner, it shall be presumed that the land upon which the said road may be constructed, together with a space of one hundred feet on each side of the centre of said road, has been granted to the company by the owner thereof, and the said company shall have good right and title thereto, and shall have, hold and enjoy the same as long as the same be used only for the purposes of the road and no longer, unless the person or persons owning the said land at the time that part of the road which may be on said land was finished, or those claiming under him, her or them, shall apply for an assessment for the value of the said lands as hereinbefore directed, within five years next after that part of said road was finished, and in case the said owner or owners, or those claiming under him, her or them, shall not apply for such assessment within five years next after the said part was finished, he, she or they shall be forever barred from recovering the said land, or having any assessment or compensation therefor. *Provided*, That nothing herein contained, shall effect the right of *femes covert*, or infants, or *non-compos mentis*, until two years after the removal of their respective disabilities.

In absence of  
contract right  
presumed.

SEC. 16. *Be it enacted*, That the president and directors, or their authorized agents, may receive releases from the owners of land of the right of way, which may be acknowledged or proved as other deeds, and registered, and may agree with the owner of any land, earth, timber, stone or other material for the construction or repair of said road, or any of their works for the purchase or use or occupation of the same.

SEC. 17. *Be it enacted*, That said company shall have authority and power to construct their road in such manner as to unite with, or diverge from any railroad, either in the State of Tennessee or Kentucky, and the companies from time to time may agree upon the terms just and proper for the through transportation of freight and travel, and said company shall have the same power and authority to construct a branch of said road, or branches, as said company may desire, that the charter gives them to construct the main line, and with the

May unite with  
other roads,

same rights and privilege, and with the same duties and restrictions.

Cost to be submitted to stockholders.

SEC. 18. *Be it enacted*, That after the company shall be organized by the election of directors, and the choice of the president and other officers, they may cause one or more of the main routes of said road to be surveyed and estimated, preparatory to location and letting of the work; but before proceeding to let the work, in whole or in part, the president and directors shall call a meeting of the stockholders, and lay before them the cost of the road as far as estimated, with the amount of subscriptions obtained, and the right of way obtained, and the expenses incurred, and shall then proceed to let the work, and make the necessary contracts for the construction of the road.

Crossing.

SEC. 19. *Be it enacted*, That whenever, in the construction of said road or roads, it shall become necessary to intersect any other established road or way, it shall be the duty of the president and directors so to construct said road across such road or way as not to impede the passage of persons or property along the same; or when it shall be necessary to pass through the land of any person, it shall also be their duty to provide for such person proper wagon ways across said railroad from one part of the land to the other, and if said company shall fail to provide proper wagon ways across said road, as herein provided, it shall be lawful for any person to sue said company, and be entitled to such damages as a jury may think him or them entitled to, for such neglect.

Right to necessary materials.

SEC. 20. *Be it enacted*, That whenever it shall be necessary for said company to have, use or occupy any land, materials, or other property, in order to the construction or repair of any part of said road or roads, or their works or necessary buildings, the president and directors of said company or their agents, or those contracting with them for working or repairing the same, may immediately take and use the same, they having first caused the property wanted, to be viewed by commissioners formed in the manner herein before prescribed, and it shall not be necessary after such view and valuation, in order to the use and occupation of the same, to wait the issue of the proceedings upon such view, and the finding of the jury and action of the court thereon, after the payment or tender of such valuation, shall be a bar to all actions for taking and using such property, whether begun before or after such confirmation or the payment of said valuation.

**Sec. 21. *Be it enacted,*** That the president and directors shall have power to purchase with the funds of said company, and place on any railroads constructed by them under this act, all machines, wagons, vehicles or carriages of any kind which they may deem proper for purposes of transportation on said road, and they shall have the power to charge for tolls, and the transportation of persons, merchandize, and property of any kind whatever, transported along said railway, any sum not exceeding the following rates: For transportation or conveyance not exceeding thirty-five cents per hundred pounds on heavy articles, and ten cents per cubic foot on articles of measurement, for every hundred miles, and five cents a mile for every passenger. It shall not be lawful for any other company, or any other person or persons, to travel upon or use any of the roads of said company, or transport persons or property thereon, without the license and permission of the president and directors thereof. Rates of charge

**Sec. 22. *Be it enacted,*** That if any person shall wilfully and maliciously destroy, or in any manner hurt, damage or obstruct the said railroad, or any bridge or any vehicle used for or in the transportation thereon, such person or persons, so offending, shall be liable to be indicted therefor, and on conviction shall be imprisoned not more than six nor less than one month, and pay a fine not less than twenty dollars, and shall be further liable to pay all expenses of repairing the same; and it shall not be competent for any person so offending against the provisions of this clause, to defend himself by pleading or giving in evidence, that he was the owner or agent, or servant of the owner of the land when such destruction, hurt, damage, injury or obstruction was done or caused, at the time the same was caused or done. Penalty for obstruction.

**Sec. 23. *Be it enacted,*** That every obstruction to the safe and free passage of vehicles on the said road, shall be deemed a public nuisance, and may be abated as such by an officer, agent or servant of the company, and the person causing such obstruction may be indicted and punished for erecting a public nuisance.

**Sec. 24. *Be it enacted,*** That if any person shall wilfully intrude upon the said railroad, or any part thereof, by any manner of use thereof, or of the rights and privileges connected therewith, without the permission, or contrary to the will of said company, he, she or they shall forthwith forfeit to the said company all the vehicles that may be so intruded on said road, and the same may be recovered by suit at law; and the person Penalties for intrusion.

or persons so intruding, may be also indicted for a misdemeanor, and upon conviction, fined and imprisoned by any court of competent jurisdiction.

Rules of transportation,

SEC. 25. *Be it enacted*, That the said company shall have the right to take at the store houses, they may establish or annex to their railroad, all goods, wares, merchandize and produce intended for transportation, prescribe the rules of priority, and charge and receive such just and reasonable compensation for storage as they may by rates establish, or as may be fixed by agreement with the owner, which may be distinct from the rates of transportation. *Provided*, That the said company shall not charge or receive storage on goods, wares, merchandize or produce which may be delivered to them at their regular depositories for immediate transportation, and which the company may have the power of transporting immediately.

Dividends,

SEC. 26. *Be it enacted*, That the profits of the company, or so much thereof as the board of directors may deem advisable, shall, when the affairs of the company will permit, be semi-annually divided among the stockholders, in proportion to the stock each may hold.

SEC. 27. *Be it enacted*, That the company shall possess such additional powers as may be convenient for the due and successful execution of the powers granted in this charter, and for the successful construction and management of the work.

Exemption,

SEC. 28. *Be it enacted*, That the president, directors, clerks, agents, officers and servants of said company shall be exempt from military duty, except in cases of invasion or insurrection, and shall also be exempt from serving on juries, and working on public roads.

May own slaves.

SEC. 29. *Be it enacted*, That the company shall have full power and authority to purchase and own such number of slaves as may be necessary for the construction of said road, and for the keeping the same in repair.

Capital stock not taxable.

SEC. 30. *Be it enacted*, That the capital stock of said company shall be forever exempt from taxation, and the road, with all its fixtures and appurtenances, including workshops, warehouses and vehicles of transportation, shall be exempt from taxation for the period of twenty years from the completion of the road, and no longer.

SEC. 31. *Be it enacted*, That so soon as five miles of the road shall be completed by the company, they may commence and prosecute their business, upon the terms and upon the stipulations herein provided, as though the whole work was completed.

SEC. 32. *Be it enacted*, That the said company shall have the power in contracting for the construction of said road, or any part thereof, to pay one-third of the contract price in the bonds of the company, bearing not more than six per cent. per annum interest, payable half yearly; interest and principal payable in some of the eastern cities or elsewhere, and to secure the same by deed of trust upon said road as may be agreed on. And the said company shall have the authority and power to issue the bonds of said company to an amount not exceeding six hundred thousand dollars, in sums not exceeding one thousand dollars, and bearing an interest not exceeding six per cent. per annum; payable half yearly in some of the eastern cities or elsewhere; and to sell said bonds, and apply the proceeds to the completion of said road or any of its branches. The said company having full power to secure the payment of said bonds by the execution of a deed of trust upon the road and its property, and from time to time apply the dividends or profits to their payment.

SEC. 33. *Be it enacted*, That it shall be lawful for the county courts of Davidson, Sumner and Macon counties, and the incorporated towns of Gallatin and Lafayette, and the city of Nashville, and it is hereby made the duty of said courts and incorporations to subscribe for stock in the Nashville and Cincinnati Railroad Company as is hereinafter provided for.

SEC. 34. *Be it enacted*, That before any county court or incorporated city or town, shall be permitted to subscribe stock in the name of the county, city or town, it is hereby made the duty of said court, mayor and aldermen of said incorporations to call for the approbation of the legal voters of their county or incorporation, by advertising an election to be held by the sheriff of the county, and by the town or city constable, as the case may be, giving at least thirty days notice of the same, such notice to be posted up at the election precincts in the county, or places of voting in the wards of the incorporation, as the case may be, which notice shall always state the amount of stock which the court, city or town may propose to take or subscribe for, when payable. And if a majority of the votes polled, be for subscription, then, and in that case, the chairman of the county court, and the mayor of the incorporation, as the case may be, shall carry into effect the will of the majority, and shall subscribe the amount of the stock proposed and voted for as aforesaid; but if a majority of the votes polled be "no subscription," then the question as to the propriety of subscribing stock as before

May issue bonds

Counties, towns and city to take stock.

Vote of the People to be taken.

provided for, shall not again be proposed until after the expiration of six months, and not then without the concurrence of one-third of the justices of the county or mayor and aldermen, as the case may be.

Sec. 35. *Be it enacted*, That the county or counties, city or towns that may avail itself or themselves of the provisions of this act, shall through the county courts or mayor and aldermen, as the case may be, select upon what portion of said road the monies herein provided to be raised shall be expended, which shall always be within the county by which such stock is taken, or as near thereto as may be practicable.

Mode of collecting tax.

Sec. 36. *Be it enacted*, That in all cases where the stock contemplated in the previous sections of this act is taken as provided for, it shall be the duty of the county courts and mayor and aldermen respectively, to levy a tax upon the taxable property and privileges within the county or incorporation voting by a majority to subscribe for said stock, which tax shall be levied and paid upon the principle of levying the state, county and corporation tax, as the case may be, and said tax shall be called the railroad tax, to be kept distinct from the other taxes. The county or corporation collectors of taxes, as the case may be, in the event they shall not elect a railroad collector, shall collect said railroad tax according to the tax list to be furnished them by the county court or mayor and aldermen as aforesaid, which list of taxable property and privileges, shall be made out in conformity to the last previous valuation thereof, and in conformity to the last taxation of the taxable privileges. *Provided however*, The tax to be collected in any one year shall not exceed two per cent. of the aggregate value of the taxable property of the county, city or town, and the like proportion shall be observed upon the taxable privileges as aforesaid.

Collector to give bond.

Sec. 37. *Be it enacted*, That the county courts and mayor and aldermen as aforesaid, shall require the collector of the railroad tax to give bond and security in such amount as they may require of said tax collector, payable to the State of Tennessee previous to his entering upon the duties of his office, conditioned that he will discharge his duty, and faithfully account for and pay over said taxes to the president and directors of said railroad company, and he and his securities shall be liable in like manner as by law revenue collectors are made liable.

Tax how paid over.

Sec. 38. *Be it enacted*, That as the collector shall collect said taxes, he shall pay the same over to the president and directors of said company, who shall apply said

taxes, as received, to the payment of so much stock subscribed as aforesaid; and each and every person who pays any part of said tax, shall be reported by said collector to said company, and shall be entitled to his, her or their pro rata share of stock in said company, and shall be entitled to demand and receive a certificate of stock for the amount of said tax paid to said railroad company by each respectively, and shall be a stockholder in said company to the extent of the tax paid as aforesaid, which certificate of stock may be assigned or transferred, and shall entitle the holder thereof to become a stockholder to the amount of the certificates of stock he may hold; and it shall be the duty of the company to take in and cancel minor certificates of stock when produced, and deliver to the holder a certificate of stock, embracing all that may be delivered up from time to time, provided the same shall amount to one share or more, and such certificate of stock shall entitle the holder thereof to the like rights and privileges as other stockholders in said company.

SEC. 39. *Be it enacted*, That the county courts or mayor and aldermen as aforesaid, shall have the power to elect a railroad collector, if they think proper, who shall give bond, collect said tax, and discharge the duties of collector, as prescribed in the previous provisions of this act, and in like manner be made liable for a failure to discharge his duty.

Elections for  
Stock.

SEC. 40. *Be it enacted*, That it shall be the duty of said county courts, and the mayor and aldermen of said corporations, to order said elections for stock as aforesaid, upon application in writing of a majority of the commissioners appointed for the counties respectively. *Provided however*, If said company shall be formed and organized by the election of a president and directors of said company, then the application shall be made in writing by the board, and said election shall be conducted and held in such manner as said county courts and mayor and aldermen shall direct.

SEC. 41. *Be it further enacted*, That for the purpose of meeting any unexpected demand on the part of the board of directors of the company, in the construction of said railroad, to be expended as aforesaid, at a time when the county or corporation may have no railroad tax on hand, the county courts and mayor and aldermen aforesaid may anticipate the collection of the taxes voted and subscribed as aforesaid, by the issuance of county and corporation warrants, payable as directed by said board of directors, bearing an interest of six per cent. per annum, which warrants may be received

County and Cor-  
porations may is-  
sue warrants,

by the board of directors in payment of so much of the stock so subscribed.

JORDAN STOKES,  
*Speaker of the House of Representatives.*  
 M. R. HILL,  
*Speaker of the Senate.*

Passed, November 29, 1852.

## CHAPTER CCCIV.

AN ACT to change the line between the counties of Rutherford and Williamson.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the line between the counties of Rutherford and Williamson be changed, so as to run as follows, to wit: Beginning where the Nashville and Shelbyville road now crosses the Bedford county line; running thence northward to M. C. Jordan's southwest corner; thence with his line to the head of Big Harpeth river; thence down Big Harpeth river, as it meanders, to the mouth of the East fork; thence northward, so as to strike the Rutherford county line near Rehoboth Meeting-house, and that the citizens of the portion so taken off, shall be added to, and be citizens of Rutherford county from and after the passage of this act.

Cannon and  
DeKalb.

SEC. 2. *Be it enacted,* That the dividing line between the counties of Cannon and DeKalb, be so altered and changed as to include the farm and residence of John Martin, jr., in the county of DeKalb. *And provided further,* That the said Martin shall be entitled to all the rights and privileges as other citizens of DeKalb county.

JORDAN STOKES,  
*Speaker of the House of Representatives.*  
 M. R. HILL,  
*Speaker of the Senate.*

Passed, February 17, 1852.

## CHAPTER CCCV.

AN ACT to amend the 5th section of an act, passed January 31st, 1850, entitled "an act to incorporate the Springfield and Manskoe's Creek Turnpike Company."

*Be it enacted by the General Assembly of the State of Tennessee,* That an act passed 31st day of January, 1850, entitled "an act to incorporate the Springfield and Manskoe's Creek Turnpike Company," be so amended, that the grade of said road shall be within five degrees of a level, and that the president and directors of said road have the power to change the location of that part of said road between Springfield and the Kentucky line, at any time, in their discretion, before its construction.

JORDAN STOKES,

*Speaker of the House of Representatives.*

M. R. HILL,

*Speaker of the Senate.*

Passed, February 25, 1852.

## CHAPTER CCCVI.

AN ACT to establish a Chancery Court at Jacksboro', in Campbell county.

*Be it enacted by the General Assembly of the State of Tennessee,* That the Chancery court be re-established at Jacksboro', and that the counties of Anderson and Scott be attached to said chancery district, and that all the books and papers belonging to said court, and suits pending between the citizens of Campbell, Anderson and Scott, be transferred to said court, on or before the fourth Monday of June next, and that the court shall be held on the fourth Mondays of June and December, as heretofore. *Provided,* The parties litigant desire their causes to be transferred.

JORDAN STOKES,

*Speaker of the House of Representatives.*

M. R. HILL,

*Speaker of the Senate.*

Passed, February 28, 1852.

## CHAPTER CCCVII.

AN ACT for the relief of James Vaughn, of Monroe county.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the trustee of Monroe county be authorized, and he is hereby required to pay James Vaughn seventy-five dollars out of the money received for the school land sold in said county, for services rendered, and money expended by him, as commissioner of said school land.

SEC. 2. *Be it enacted*, That before said trustee, of Monroe county, shall pay the said sum of seventy-five dollars to the said Vaughn, he shall be satisfied, from the proof introduced before him, that the said James Vaughn did not receive the said sum of seventy-five dollars, allowed him by an act of the General Assembly, passed the 19th day of February, 1836.

JORDAN STOKES,

*Speaker of the House of Representatives.*

M. R. HILL,

*Speaker of the Senate.*

Passed, February 25, 1852.

## CHAPTER CCCVIII.

AN ACT to authorize the citizens of Marion County to file bills in the Chancery Courts at Pikeville and Winchester.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That from and after the passage of this act, the citizens of the county of Marion, shall have the privilege to file bills, either in the chancery court at Pikeville, in Bledsoe county, or in the chancery court at Winchester, in the county of Franklin.

Benton county. SEC. 2. *Be it enacted*, That the citizens of the county of Benton shall have the privilege of filing bills in the chancery court at Paris, or in the chancery court at Huntingdon, at their discretion.

JORDAN STOKES,

*Speaker of the House of Representatives.*

M. R. HILL,

*Speaker of the Senate.*

Passed, February 21, 1852.

## CHAPTER CCCIX.

AN ACT for the relief of Isaac Paul.

*Be it enacted by the General Assembly of the State of Tennessee, That the Comptroller of the Treasury of the State issue his warrant to Isaac Paul for the sum of two hundred and seven dollars, due the said Paul for labor on the new Lunatic Asylum.*

JORDAN STOKES,

*Speaker of the House of Representatives.*

M. R. HILL,

*Speaker of the Senate.*

Passed, February 21, 1852.

## CHAPTER CCCX.

AN ACT to authorize the qualified voters of the 15th Civil District, including the town of Lynnville, in Giles county, Tennessee, to elect three Justices of the Peace.

*Be it enacted by the General Assembly of the State of Tennessee, That the qualified voters in the 15th Civil District, including the town of Lynnville, in Giles county, shall, from and after the passage of this act, be authorized to elect three justices of the peace for said district and county, according to the law now in force, providing for the election of said officers in this State.*

JORDAN STOKES,

*Speaker of the House of Representatives.*

M. R. HILL,

*Speaker of the Senate.*

Passed, February 24, 1852.

## CHAPTER CCCXI.

AN ACT to authorize the county court of Carroll county, to charter the Huntington and Beaver Creek Turnpike.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee, That the county court of Carroll county, at its quarterly session, is hereby authorized to grant a charter to any individual, or company, to take*

charge of and keep in order, the Huntington and Beaver Creek Turnpike Road, to extend from the corporation line of the town of Huntington, one mile on the Jackson road.

Sec. 2. *Be it enacted*, That said court, in said charter, shall name the commissioners of said road, prescribe the time (not to exceed thirty years) for continuance of the charter, shall have the privilege of exempting the citizens of Carroll from paying tolls on said road, and prescribe all the privileges to be enjoyed, and all the restrictions to be imposed in said charter. *Provided*, That the tolls imposed shall not be placed by said court at a higher rate than those heretofore charged on said turnpike road.

Sec. 3. *Be it enacted*, That this act shall take effect from and after its passage.

JORDAN STOKES,

*Speaker of the House of Representatives.*

M. R. HILL,

*Speaker of the Senate.*

Passed, February 25, 1852.

## CHAPTER CCCXII.

AN ACT for the benefit of James T. Gardenhire and John Grason.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the sum of thirty-five dollars and twenty-eight cents, be, and the same is hereby appropriated out of any money in the treasury not otherwise appropriated, for the use of James T. Gardenhire, and that the Comptroller issue his warrant for the same to said Gardenhire.

Sec. 2. *Be it enacted*, That the sum of seventeen dollars and ninety-four cents, be, and the same is appropriated out of any money in the treasury, not otherwise appropriated, for the benefit of John Grason, and that the Comptroller issue his warrant for the same to said Grason.

JORDAN STOKES,

*Speaker of the House of Representatives.*

M. R. HILL,

*Speaker of the Senate.*

Passed, February 24, 1852.

## CHAPTER CCCXIII.

AN ACT for the relief of Jonathan Morris and others.

WHEREAS, in 1842, Jonathan Morris, then deputy sheriff of Wayne county, conveyed Nathaniel Reeves from Waynesboro', Tennessee, to Columbia, Tennessee, upon a writ of habeas corpus, the said Reeves being then confined upon an indictment for murder, and that William Pollard and Joseph East were the guards accompanying said Morris, and that the fees and costs for said service amounted to twenty-four dollars and sixty-three cents, and that William Pollard, John T. Trent, James Anderson, David Carter, E. M. Dickson, Lot Rosebury, A. R. Alexander, Tilbut Kyle, Littlebury Mack and Marshall H. Mack, were witnesses for the State, and their fees as such were seventy-two dollars and two cents; that neither of said sums have ever been paid, and that said sums are now due. Therefore,

*Be it enacted by the General Assembly of the State of Tennessee,* That the Comptroller of the Treasury issue his warrant to the said Jonathan Morris on behalf of himself and the above named persons, for said sums.

JORDAN STOKES,

*Speaker of the House of Representatives.*

M. R. HILL,

*Speaker of the Senate.*

Passed, February 27, 1852.

## CHAPTER CCCXIV.

AN ACT to establish the Branch of the Bank of Tennessee at Athens.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That so much of the act of the General Assembly of the State of Tennessee, passed on the 30th day of January, 1846, entitled "an act to amend an act, passed 19th January, 1838, to establish the Bank of Tennessee, and to raise a fund for internal improvements," so as to discontinue the Branch of the Bank of Tennessee at Athens, be, and the same is hereby repealed, and that the said Branch at Athens be re-established, with all the powers, privileges, rights and immunities, as were conferred by the act originally establishing the same; and that all the capital that may

have been withdrawn from said branch be returned thereto.

Sec. 2. *Be it further enacted*, That hereafter the county of Rhea be allowed and entitled to have a director in the Branch of the Bank of Tennessee, at Athens, who shall be appointed as other directors are appointed, and that said director have all the powers, privileges and immunities of other bank directors in said bank, and that he be subject to the rules, regulations and restrictions that the other directors in said bank are subject to.

JORDAN STOKES,

*Speaker of the House of Representatives.*

M. R. HILL,

*Speaker of the Senate.*

Passed, February 10, 1852.

## CHAPTER CCCXV.

AN ACT requiring the county court of Giles county to appoint commissioners to locate gates north and south of the town of Pulaski, on the Columbia, Pulaski, Elkton and Alabama Turnpike Road.

*Be it enacted by the General Assembly of the State of Tennessee*, That upon the application of the president and directors of the Columbia, Pulaski, Elkton and Alabama Turnpike Company, the county court of Giles county shall appoint twelve commissioners, freeholders, who are not stockholders in any turnpike company, who, or a majority of them, shall locate a gate at some convenient point not less than one and one-fourth miles nor more than two miles north and south from the court house in the town of Pulaski, which gate, when so located, shall be permanent; but should it appear to the county court, at any time, that such location operates as a public injury, the court shall have power to order and cause such gate to be removed the distance from the town of Pulaski now required by law, or to make such other order in relation thereto, as equity and justice to the company and the public may require.

JORDAN STOKES,

*Speaker of the House of Representatives.*

M. R. HILL,

*Speaker of the Senate.*

Passed, February 27, 1852.

## CHAPTER CCCXVI.

AN ACT to amend the act of October 1824, entitled "an act respecting Cumberland College," and the act of November 27th, 1826, entitled "an act to amend the laws respecting Cumberland College."

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Board of Trustees of the University of Nashville shall have power to elect one of their number president of the board of trustees, and that the president of the faculty shall not be *ex officio* president of the board of trustees. This provision is not compulsory, but may be adopted by a by-law of the board of trustees.

SEC. 2. *Be it enacted*, That the number of trustees of the University of Nashville shall not exceed thirty; Number of Trustees. seven of whom shall constitute a quorum for all business, except the election of president and professors, and other officers, or election of trustees, or the alienation or re-investment of any property, real or personal, belonging to the corporation, for which purposes a majority of the whole number constituting the board shall be necessary to make a quorum.

SEC. 3. *Be it enacted*, That the trustees are to be appointed in the manner prescribed by the act of October 18th, 1824, chapter 146, and the provisions of this act shall be made a part of the charter when adopted, as by that act is declared amendments shall be made.

JORDAN STOKES,

*Speaker of the House of Representatives.*

M. R. HILL,

*Speaker of the Senate.*

Passed, February 25, 1852.

## CHAPTER CCCXVII.

AN ACT for the relief of Joseph Byrd.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Comptroller is hereby authorized to issue his warrant to Joseph Byrd for the sum of fifty-seven dollars and twenty cents, that being the amount due said Byrd for conveying a certain Charles Farris from Kingston to Winchester, under a writ of habeas corpus.

SEC. 2. *Be it further enacted*, That the Comptroller is hereby authorized to issue his warrant to W. B. Holden for the sum of twenty-five dollars; that being the amount due said Holden, for carrying one John J. Elsey from the jail in Marshall county to Columbia, Maury county, on a writ of habeas corpus, as a witness in behalf of the State, in the case of the State against Mary Ford, in Maury circuit court.

JORDAN STOKES,

*Speaker of the House of Representatives.*

M. R. HILL,

*Speaker of the Senate.*

Passed, February 24, 1852.

## CHAPTER CCCXVIII.

AN ACT to incorporate the Fireman's Insurance Company of Memphis.

*Incorporation.* SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That an insurance company shall be established in the city of Memphis, with a capital stock of three hundred thousand dollars, to be divided into shares of twenty-five dollars each, to be subscribed for under the superintendence of Daniel Saffarrans, John L. Morgan, B. R. Thomason, Isaac Phelon and Simon Bradford, in the city of Memphis, after giving ten days notice in the daily newspapers of said city, of the time and place of opening books for subscription, which body politic shall have perpetual succession, by the name and style of the Fireman's Insurance Company of Memphis, and shall so continue until the year one thousand eight hundred and eighty-two.

SEC. 2. *Be it enacted*, That all the powers, privileges and immunities conferred upon the Memphis Insurance

Company by virtue of its act of incorporation, and amendments thereto, be, and the same are hereby conferred upon the Fireman's Insurance Company of Memphis, and that all the penalties, pains and forfeitures of said act imposed, are hereby imposed upon the Fireman's Insurance Company of Memphis.

SEC. 3. *Be it enacted*, That the several fire companies in the city of Memphis shall take the capital stock in this act mentioned, provided the same shall not be taken by the individual members of the firemen in said city of Memphis. Fire Companies to take stock

SEC. 4. *Be it enacted*, That the stock subscribed shall be secured to the president and directors of said company by payment of ten per cent. on each share at the time the stock is subscribed, and the residue in such sums, and at such times as the president and directors shall require. *Provided*, That not more than ten per cent. upon each share shall be required at any one call. *And provided*, That no calls shall be made oftener than forty days successively, unless the same shall be necessary to pay an indemnity or loss on an insurance. Calls on stock.

SEC. 5. *Be it enacted*, That the stock so subscribed, shall, in the event of the death of any one of the members of the said firemen, being at the time a stockholder, vest absolutely in his wife, or in his wife and children, free from the debts or liabilities of the said deceased fireman. Stock of deceased firemen not liable for his debts.

SEC. 6. *Be it enacted*, That whenever there shall be an additional fire company or companies organized in the city of Memphis, the president and directors of said company shall enlarge their capital twenty-five thousand dollars for each additional fire company then organized under the rules and regulations in this act provided, and that the stock shall be subscribed for by the members who shall compose the said additional fire company or companies, and that none other than a fireman shall be allowed to subscribe for stock in said company. May increase stock.

JORDAN STOKES,

*Speaker of the House of Representatives.*

M. R. HILL,

*Speaker of the Senate.*

Passed, February 26, 1852.

## CHAPTER CCCXIX.

AN ACT to incorporate the Kingston and Poplar Creek Turnpike Company.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee;* That William S. McEwen, Henry Legett, sen., George L. Gillespie, Robert Duncan, G. W. Yoast, Austin L. Green, Willis S. Senter, James Lea, Henry J. Walker, Archibald Quins and Howard Wiley, be, and they are hereby appointed commissioners to open books, at any time and place they may choose, for subscription of stock to be used in constructing a turnpike road, either dirt, gravel, McAdamized or plank road, as they may deem most advisable, to run from Kingston, in Roane county, in a north direction, on the most practicable ground, to the Sulphur Springs in the lower end of Anderson county.

Capital Stock.

SEC. 2. *Be it enacted,* That the capital stock of said company shall be sufficient to construct said road, not to exceed thirty thousand dollars, divided into shares of twenty-five dollars each.

Election of Directors.

SEC. 3. *Be it enacted,* That so soon as five thousand dollars of the said stock of the said road shall be subscribed for in cash or in labor, any three or more of the said commissioners shall call a meeting of the stockholders of said company at the court house in the town of Kingston, by giving ten days notice of the time and place of meeting in some three or four of the most public places in the county of Roane, and at such meeting of the subscribers for stock in said road shall elect five directors, one of whom shall be president, who shall hold their offices for one year, and until their successors are elected.

Route of road.

SEC. 4. *Be it enacted,* That the president and directors may, in such manner as they may think best, solicit and procure additional subscriptions for stock, and shall either by themselves or some competent person or persons appointed by them, mark, lay out or locate said road, commencing at the court-house in Kingston and running north by the mouth of Emery, thence up Hen Valley on the most level and best ground for the location of a road; thence on up to the Sulphur Springs, in Anderson county.

SEC. 5. *Be it enacted,* That the said president and directors shall have the power to let out and put under contract the said road, in parcels, great or small, as they may think best, to contractors.

SEC. 6. *Be it enacted,* That said president and directors shall cause said road to be graded twenty feet wide,

and as near level as possible, and ditched on each side <sup>Style of road.</sup> where necessary, and either graveled or dirt thrown up in the centre to make the road rolling on top.

Sec. 7. *Be it enacted*, That the said president and directors shall be, and they are hereby made a body <sup>Incorporation.</sup> politic and corporate; may sue and be sued, plead and be impleaded, by the name and style of the Kingston and Poplar Creek Turnpike Company, and shall have all the privileges, rights, powers and immunities given by law to other turnpike companies, except that the State shall not be liable for any portion of the stock in said company.

Sec. 8. *Be it enacted*, That said company may erect <sup>Gate.</sup> a gate, charge and receive toll on said road so soon as it shall be completed.

Sec. 9. *Be it enacted*, That said road may demand the same rates of toll that is received by other roads in this <sup>Tolls.</sup> State, built upon the same plan and subject to the same rules.

JORDAN STOKES,  
*Speaker of the House of Representatives.*  
M. R. HILL,  
*Speaker of the Senate.*

Passed, February 27, 1852.

## CHAPTER CCCXX.

AN ACT to define the duties of the Supreme Court and Reporter.

*Be it enacted by the General Assembly of the State of Tennessee*, That the Attorney General and Reporter for the State, shall hereafter publish and report every written opinion of the Supreme Court, that may hereafter be delivered by said court or a Judge thereof.

JORDAN STOKES,  
*Speaker of the House of Representatives.*  
M. R. HILL,  
*Speaker of the Senate.*

Passed, February 28, 1852

## CHAPTER CCCXXI.

AN ACT for the relief of the Commissioners of the Toco School land in Monroe county.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Hon. E. Alexander, judge of the second judicial circuit of the State of Tennessee, be and he is hereby appointed, authorized and empowered to act as commissioner on the part of the State, to adjudicate and settle the claims of the commissioners of the Toco School Lands, in Monroe county, Hiwassee district.

SEC. 2. *Be it enacted*, That it shall be the duty of said commissioner to make to the commissioners of said Toco School land for the use of the schools in said district, such reasonable and equitable allowances for their expenses incurred in quitting the Indian title and defending the title to the said section of school land, in the case of Calloway's lessee, as purchaser from Miller's heirs &c. against said commissioners, as in his judgment may seem just and proper.

SEC. 3. *Be it enacted*, That so soon as a settlement and adjustment of said claims shall be made by said commissioner, it shall be his duty to certify the amount that may be by him allowed to the said school commissioners for the purpose aforesaid, and to transmit the same by mail forthwith thereafter to the treasurer of this State, and it shall also be the duty of said commissioner to report the allowance so made, together with the reasons and facts by which he may be influenced in making such allowance, to the next General Assembly of this State. *Provided*, The said commissioner shall be satisfied that they are entitled to any compensation.

Commissioner  
to report.

SEC. 4. *Be it enacted*, That any compensation that may be allowed by the commissioner shall be paid out of the school fund of the township and rents of the school lands.

JORDAN STOKES,

*Speaker of the House of Representatives.*

M. R. HILL,

*Speaker of the Senate.*

Passed, February 25, 1852.

## CHAPTER CCCXXII.

AN ACT to change the time of holding the circuit courts in the county of Marshall.

*Be it enacted by the General Assembly of the State of Tennessee,* That the circuit courts of Marshall county, shall hereafter be held on the second Mondays in February, June and October, except the first term to be holden after the passage of this act, which shall be held as now provided by law.

JORDAN STOKES,

*Speaker of the House of Representatives.*

M. R. HILL,

*Speaker of the Senate.*

Passed, February 26, 1852.

## CHAPTER CCCXXIII.

AN ACT for the relief of James E. Walker, former jailor of Anderson county.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the treasurer of the State of Tennessee, be directed to pay to the order of James E. Walker, of Knox county, formerly jailor of Anderson county, the sum of forty-nine dollars and sixty-two and one half cents, out of any monies in the treasury not otherwise appropriated, it being the sum expended by the said Walker, while jailor as aforesaid, in recapturing John Knight and Ephraim Dunnivan, who were confined in the jail of Anderson county, on charges of felony, and who were subsequently convicted and sent to the Penitentiary of the State after said recapture.

SEC. 2. *Be it enacted,* That the receipt of said Walker, for the sum of forty-nine dollars and sixty-two and a half cents, be a good and sufficient voucher to the treasurer for said sum in the settlement of his accounts.

JORDAN STOKES,

*Speaker of the House of Representatives.*

M. R. HILL,

*Speaker of the Senate.*

Passed, February 23, 1852.

## CHAPTER CCCXXIV.

AN ACT to repeal an act passed November 2, 1809, declaring Richland Creek navigable.

*Be it enacted by the General Assembly of the State of Tennessee,* That so much of an act passed November 2, 1809, as declares Richland creek navigable, be and the same is hereby repealed, and that that portion of the internal improvement fund set apart by law for the improvement of Richland creek, be and the same is hereby appropriated to the use of that portion of Elk river within the limits of Giles county.

JORDAN STOKES,

*Speaker of the House of Representatives.*

M. R. HILL,

*Speaker of the Senate.*

Passed, February 26, 1852.

## CHAPTER CCCXXV.

AN ACT to repeal the 6th section of an act passed 6th February, 1850, to incorporate Hampshire and Greenwood Academies in the county of Lewis, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the 6th section of an act passed 6th day of February, 1850, to incorporate Hampshire and Greenwood Academies, be and the same is hereby repealed.

SEC. 2. *Be it enacted,* That the 8th section of an act passed December 1st, [1847,] chap. 71, be and the same is hereby repealed.

JORDAN STOKES,

*Speaker of the House of Representatives.*

M. R. HILL,

*Speaker of the Senate.*

Passed, February 24, 1852.

## CHAPTER CCCXXVI.

AN ACT to give further time to perfect titles to Lands in this State.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the enterers of land in any of the land offices in this State, and the assignees of such entries, shall have time until the first day of March, 1854, to have their entries surveyed and granted, and hereafter it shall not be lawful for any person to enter any land in any of the entry-takers offices on which land another resides, or which is cultivated by another, or which has been previously entered, until such person shall have given in writing at least thirty days previous notice to the person residing on or cultivating said land, or to the previous enterer, or his or their assignees of his intention to enter the same, and any entry made or grant obtained contrary to the provisions of this act shall be void.

SEC. 2. *Be it enacted*, That this act shall take effect from and after its passage.

JORDAN STOKES,

*Speaker of the House of Representatives.*

M. R. HILL,

*Speaker of the Senate.*

Passed, November 13, 1851.

## CHAPTER CCCXXVII.

AN ACT to change the line between the counties of Coffee and Franklin,

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the line between the counties of Coffee and Franklin, be changed as follows; to wit: Beginning on the south boundary line of Coffee county, at the point where the east boundary line of the town site of Tullahoma, as surveyed according to the original plan of said town, intersects the south boundary line of said county, the said point being opposite to section seventy-two, of the Nashville and Chattanooga railroad, and one hundred and sixty poles east of that point; thence running with the courses of the lines which bound the southern portion of said town site to the point where the west boundary thereof intersects the said south boundary line of Coffee county,

and the citizens included within these lines and the intercepted point of the Coffee county line, shall be entitled to all the rights and privileges of other citizens of Coffee county, and also shall be subject to all the liabilities of the citizens of Coffee county.

SEC. 2. *Be it enacted*, That this act shall take effect from and after its passage.

JORDAN STOKES,

*Speaker of the House of Representatives.*

M. R. HILL,

*Speaker of the Senate.*

Passed, February 25, 1852.

## CHAPTER CCCXXVIII.

AN ACT to amend an act passed the 18th of December, 1849, entitled an act to incorporate the Columbia, Mooresville, Cornersville and Lewisburg turnpike company, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the act passed the 18th of December, 1849, incorporating the Columbia, Mooresville, Cornersville and Lewisburg turnpike company, be and the same is hereby so amended, that the stockholders in the Lewisburg and Mooresville turnpike company, shall on the third Monday in April, in each and every year, by giving ten days notice in writing at three or more public places, one of which shall be at Lewisburg, Marshall county, proceed to elect seven directors who shall be stockholders in said road, and said directors shall choose one of their body president, to continue in office one year from the time of their election, and until their successors shall be elected and qualified, any five of them shall be sufficient to transact the business of said company, and if a vacancy shall happen in said board, it shall be filled by said directors until the regular election.

SEC. 2. *Be it further enacted*, That the 19th section of said act, be so amended, that when any five miles of said road from the court house in the town of Lewisburg, shall be completed, said company shall have the power to erect one toll gate, and one other gate for every additional five miles of said road which shall be completed.

SEC. 3. *Be it enacted*, That the president and directors of said Lewisburg and Mooresville turnpike, <sup>May extend road.</sup> shall have full power and authority to extend the Lewisburg and Mooresville turnpike road from the town of Mooresville to the town of Lynnvile, in Giles county, under the same rules, regulations and restrictions, as granted in the aforesaid charter, and the directors in the said Lewisburg and Mooresville turnpike company, may at such time and place, as they may deem proper, open books for the subscription of stock to build said road, and shall have power to employ an agent or agents, to aid them in procuring the stock in said road, and so soon as five thousand dollars of stock shall have been subscribed, the president and directors shall proceed to locate the road from Mooresville, in Marshall county, to Lynnvile, in Giles county, the nearest, most level and cheapest route, and put the same under contract, commencing at Mooresville, and if there shall not be a sufficient amount of stock subscribed to build the whole road, they may build the same as far as the stock subscribed will allow.

SEC. 4. *Be it further enacted*, That the charter of the Ocoee turnpike and plank road company, obtained under and in pursuance of the act of 1850, chap. 72, and registered in the Register's office for the county of Bradley, on the 3rd day of January, 1852, and in the Register's office of the county of Polk, on the 5th day of January, 1852, be amended as follows: that the said company may organize on any day on which the said company may see fit. 2d. That said company may Plank or McAdamize said road, as it may deem expedient, and shall not be required to plank or McAdamize the same more than fourteen feet wide; and 3d, That where said road has to be constructed through rock, it may be constructed not more than fourteen feet wide. <sup>Ocoee turnpike and plank road.</sup>

JORDAN STOKES,

*Speaker of the House of Representatives.*

M. R. HILL,

*Speaker of the Senate.*

Passed, February 26, 1852.

## CHAPTER CCCXXIX.

AN ACT to establish a Chancery Court at Jasper, Marion county, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That there is hereby established a court of chancery to be held in the Court House, in the town of Jasper, in the county of Marion, on the Tuesdays preceding the second Mondays in March and September, under the same rules, regulations and restrictions, that other chancery courts are held in this State, and shall be attached to the fourth chancery division of the State, and that said county of Marion shall constitute one chancery district.

SEC. 2. *Be it enacted*, That all suits now pending in Suits in Bledsoe. the chancery courts at Pikeville, Bledsoe county, where the parties, or either of them, live in the county of Marion, may, by and with the consent of the chancellor, be removed to the chancery court at Jasper, Marion county.

SEC. 3. *Be it enacted*, That the clerk and master of the chancery court at Pikeville, is required, and it is hereby made his duty, as soon as he shall ascertain that the chancellor has ordered the removal of any suit, or suits, from that court, to the chancery court at Jasper, forthwith to file all the papers and documents pertaining to such suit or suits, together with all the rules that have been made in such suit, or suits, with the clerk and master of the chancery court at Jasper, whose duty it shall be to enter the same of record in said office.

SEC. 4. *Be it enacted*, That it shall be the duty of the chancellor of the fourth chancery division of this State to appoint a clerk and master of the chancery court at Jasper, as soon as practicable.

SEC. 5. *Be it enacted*, That hereafter the chancery Chancery Court at Woodbury. courts at Woodbury, Cannon county, shall be held on Thursday, after the fourth Mondays in March and September, except the next court at Woodbury shall be held on Thursday, preceding the second Monday in March next, 1852, as now provided for by law.

SEC. 6. *Be it enacted*, That the first chancery court to be First Court at Jasper. held at Jasper, shall be held on Thursday after the first Monday in September next, 1852.

JORDAN STOKES,

*Speaker of the House of Representatives.*

M. R. HILL,

*Speaker of the Senate.*

Passed, February 25, 1852.

## CHAPTER CCCXXX.

AN ACT for the relief of A. N. Baldwin, former revenue collector for Hancock county.

Whereas, Alfred N. Baldwin was elected revenue collector for the county of Hancock, for the year 1850. And whereas, the said Baldwin had failed to collect and pay over the State tax for said county, for the year 1850, to the amount of \$505 36. And whereas, in the early part of the year 1851, the said Baldwin fell sick, and was unable to collect and pay over the amount of tax so due and unpaid. And whereas, the Attorney General for the first judicial circuit, at the September term 1851, of the circuit court of said county, took a judgment by motion, against said Baldwin and his securities for the above sum of \$505 36, with six per cent. interest from 1st December 1850, together with twelve and one half per cent. damages, amounting to \$63 17, therefore.

*Be it enacted by the General Assembly of the State of Tennessee,* That the said Alfred N. Baldwin or his securities upon paying the amount of the judgment above specified of \$505 36, with lawful interest on the same from the 1st of December, 1850, to the Sheriff of Hancock county, or other officer legally authorized to receive the same, then, and in that case, the said Baldwin and his securities shall be released from the payment of the above sum of \$63 17, being the amount of the twelve and a half cents damages.

JORDAN STOKES,

*Speaker of the House of Representatives.*

M. R. HILL,

*Speaker of the Senate.*

Passed, February 25, 1852.

## CHAPTER CCCXXXI.

AN ACT to prevent the Chancellors and Judges of this State from practising Law.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That it shall not be lawful for any of the Judges or Chancellors of this State to practice law in any of the courts of this State. *Provided*, they may appear in cases in which they may have been employed as counsel, previous to their election.

SEC. 2. *Be it enacted*, That each of the counties of this State shall be entitled to have one more Notary Public, than they are now entitled to have by law, who shall be appointed by the county courts of the several counties, at any monthly or quarterly term thereof, and shall hold their offices for the term of four years. Said Notaries Public shall have all the rights, privileges and powers, now conferred upon Notaries Public, by law, in this State, and be subject to all the obligations and duties to which they are now liable.

Chancery Court  
at Gainesborough  
and Lafayette.

SEC. 3. *Be it enacted*, That the act requiring the Chancellor of the fourth chancery division of the State, to open, and hold the chancery court at Lafayette, in Macon county, on the 2d Mondays in January and July, and at Gainesborough, in Jackson county, on Wednesday after the second Monday in January and July, be so amended that hereafter the chancellor shall be required to open and hold said chancery court at Lafayette in Macon county, on the first Monday in February, and on the second Monday in July, and at Gainesborough, in Jackson county, on the first Wednesday after the first Monday in February, and on the first Wednesday after the second Monday in July in each and every year, and that all process shall be returned to the terms of the courts as herein established, and that all laws inconsistent with the provisions of this section of this act, be, and the same are hereby repealed.

JORDAN STOKES,

*Speaker of the House of Representatives.*

M. R. HILL,

*Speaker of the Senate.*

Passed, February 16, 1852.

## CHAPTER CCCXXXII.

AN ACT to incorporate the Sequatchee Mining and Manufacturing Company, and the Hart Spring Manufacturing Company.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee;* That Nimrod Moore, James E. Hogan, James S. Havron, Von Albad Anderson and Thomas A. Anderson, or any two of them, be, and are hereby authorized to open books of subscription at such times and places as they may deem proper, and the owners of the shares thus subscribed shall be, and the same are hereby created and declared a body politic and corporate under the name and style of the Sequatchee Mining and Manufacturing Company, and by that name may contract, and be contracted with, sue and be sued, plead and be impleaded, answer, and be answered unto, and prosecute to final judgment, in any court, or elsewhere, and have and use a common seal, and change the same at will, with power and authority, to purchase, receive in donation, enjoy and possess estate real, personal or mixed, and to lease, rent, sell, alienate and convey, or otherwise dispose of the same, with all rights, powers and privileges necessary and proper for them as an incorporate company. Incorporation.

SEC. 2. *Be it enacted,* That the capital stock of the company shall consist of ten thousand shares, of one hundred dollars each, of which the lands and mines of the said Nimrod Moore, and his associates, may constitute a part, at such price as may be agreed upon between the said Nimrod Moore and his associates, and the President and Directors of said company, and the said shares, shall be deemed and held as personal property, transferable only on the books of the company. Capital stock.

SEC. 3. *Be it enacted,* That the said company may, from time to time, increase their capital stock, provided it shall at no time, exceed ten thousand shares over and above the value of their real estate.

SEC. 4. *Be it enacted,* That the company may erect and carry on mills and manufactories, they may construct such railways and turpikes, roads and canals as may be necessary and proper for the successful management of their business, or to connect their mines or manufactories, with the Nashville and Chattanooga railroad, or with the Tennessee river. *Provided,* the company shall have first obtained, by the consent of and by contract with the owners of the land over, or through which said roads or canals may be constructed, the right of way and the earth, timber, or other materials necessary for the construction of the same, and provi-

ded further, that said company shall make just compensation for all private property, of whatever description, that may be used by them, either by contract with the owners or under arbitration with them, and when the parties cannot agree the company shall be liable therefor, under proper legal proceedings.

President and  
Directors.

SEC. 5. *Be it enacted*, That said company shall elect five directors, who from their own body, shall elect a President, and the said President and Directors, may make and establish rules and by-laws for the government of the company, and modify and repeal the same at pleasure, provided such rules and by-laws, shall not be inconsistent with the laws of this State, or of the United States.

Hart Spring  
Manufacturing  
Company.

SEC. 6. *Be it enacted*, That Silas Tucker, Benjamin Battey, Chas. L. Davis, Joseph Kimbro, John C. Gooch, Jno. P. Beasley, Alanson Cannon, F. F. Cumming, or any five of them, or their successors in office, be, and they are hereby constituted a body corporate and politic, by the name and style of the Hart Spring Manufacturing company, with all the rights, powers, privileges, immunities and restrictions of the Nashville and Farmers Manufacturing Company, chartered by an act passed January 2, 1850, with the exception contained in the following section.

Capital stock.

SEC. 7. *Be it enacted*, That the capital stock of the company hereby incorporated, shall consist of not less than forty thousand dollars, but may be increased to any amount that the company may deem proper for the purposes of their incorporation, and the capital stock of said company shall be divided into shares of fifty dollars each.

Burritt College.

SEC. 8. *Be it enacted*, That the tenth section of an act, entitled 'an act to incorporate the Andrew College, to be located on the site selected for the Jackson Academy, of Putnam county, and for other purposes,' be so amended, as to allow the stockholders of Burritt College to elect trustees out of their own number, and to elect as trustees, any person or persons, who may not be a stockholder, or stockholders, and in the event a vacancy shall occur in the board of trustees, the President of said Burritt College may fill such vacancy or vacancies by appointment of stockholders or other competent person, or persons, not being stockholders, and such appointee shall hold his office until the next succeeding meeting of the trustees of said college, who shall then fill such vacancies as may have occurred in the board of trustees and filled by the appointment, of the President.

**SEC. 9.** *Be it enacted,* That Alfred E. Jackson, and all other persons who shall subscribe for stock in the company, which this act is intended to incorporate, be and they are hereby constituted and declared to be a body politic and corporate, by the name and style of the Pactolus Manufacturing Company. Pactolus M an-  
ufacturing Co.

**SEC. 10.** *Be it enacted,* That said company shall have succession of members for ninety-nine years, that its capital stock may be extended to two hundred thousand dollars, which shall be divided into shares of one hundred dollars each, and shall be deemed personal property, and be transferable on the books of said company, under such regulations and restrictions as said company, by its by-laws may prescribe. Capital stock.

**SEC. 11.** *Be it enacted,* That said company may purchase and hold in fee simple, such real estate as may be required for the purpose of carrying on the manufacture of all goods of which iron, wood, cotton, wool, or leather may form the whole, or a part, and for the establishment of Flouring or Grist Mills, for the grinding of grain, and Saw Mills for the sawing of boards or lumber, and the construction of such other machinery as may be necessary and advantageous for carrying on any of the above branches of business. Said establishment to be located at Pactolus, on the Holston river, in Sullivan county, and said company shall have the privilege of erecting dams and using the water of said river, in propelling any machinery they may erect, provided they do not obstruct the navigation of said river thereby. Power.

**SEC. 12.** *Be it enacted,* That the said company may sue and be sued, in all courts of law and equity, may have and use a common seal, and make such by-laws for the regulation and government of its affairs, as may be deemed proper, provided the same be not inconsistent with the laws and constitution of this State, or of the United States.

**SEC. 13.** *Be it enacted,* That the affairs of said company shall be managed by a board of three directors, to be chosen from amongst the stockholders annually, by a plurality of votes, each voter designating on his ticket one of the members as the President of the board, but should they fail to do this, the board may elect one of their own number President, and may appoint a Secretary and Treasurer, who may be qualified to transact the business appertaining to those offices, out of their own number, or any other individual, who shall hold their offices until their successors are chosen. Each stockholder, in all annual or other elections, shall be Officers.

entitled to one vote for each share of stock he may have subscribed. The first election may be held by any two of the subscribers that may be appointed for that purpose, and all subsequent elections by two or more directors, notice being given of the time and place, at least twenty days previous to the time of holding said election.

**Calls on stock.** SEC. 14. *Be it enacted*, That said board shall have power to call for, and demand from said stockholders, the payment of the sums subscribed for by them, to the capital stock of said company, in such instalments as they may deem best for the interest of the company, and may have power either to declare such shares as may not be paid for, according to the calls made upon them, forfeited to the company, or to proceed against such delinquent stockholders, by action of debt, before any tribunal having cognizance thereof.

**Individual liability.** SEC. 15. *Be it enacted*, That the board of directors shall have no power to bind the company by any contracts or agreements, to a greater amount than the capital stock subscribed. But in case of their attempting to do so, the individual directors or those participating in such attempt, shall be responsible in their private property and estate, to the parties injured.

**Organization.** SEC. 16. *Be it enacted*, That when one hundred shares shall have been subscribed, the stockholders at a meeting in which two thirds of the stock subscribed shall be represented, reasonable notice of the time and place of such meeting, having been given to all the stockholders, shall proceed to organize the company, by the election of directors as before prescribed, who, when elected, shall proceed to discharge the duties imposed upon them by this charter, and may continue to increase their subscriptions, and enlarge their sphere of operations, as the capital subscribed may justify.

**Tazewell and Knoxville turnpike.** SEC. 17. *Be it enacted*, That section 4th of an act passed January 12, 1852, providing toll on the Tazewell and Knoxville turnpike, be so amended, that all persons passing through the gate on said road, shall not be required to pay toll, provided, they pass on ordinary neighborhood business; and provided further, that no gate shall be erected in the county of Knox.

JORDAN STOKES,

*Speaker of the House of Representatives.*

M. R. HILL,

*Speaker of the Senate.*

Passed, February 18, 1852.

## CHAPTER CCCXXXIII.

AN ACT to defray the expenses of the Tennessee Penitentiary, and for other purposes.

WHEREAS, it appears from the report of the Joint Select committee upon the Penitentiary, that it will likely require about the sum of twenty thousand dollars, to enable that Institution to meet, in part, its ordinary expenses, for the next two years. Owing to the fact, that the principal portion of the labor of the convicts is still employed in the construction of the State Capitol, which must greatly restrict the financial resources of the prison, and at the same time increase its expenses, to such an extent that the said sum will be required to enable the Institution to carry on its regular operations, and pay its ordinary expenses.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the Comptroller of the Treasury be authorized to issue his warrant to the Agent of the Penitentiary, for such accounts as he may present, and for such sums of money as he may demand, that may be necessary for the support of said Institution. *Provided*, that the amount thus called for during the ensuing two years shall not exceed the sum of twenty thousand dollars, and *provided further*, that the accounts, on sums of money presented, or called for by the Agent of the Penitentiary, shall be certified to by a majority of the inspectors of the Penitentiary, to be correct and necessary for the support of said Institution.

SEC. 2. *Be it enacted,* That the Comptroller of the Treasury issue his warrant to H. R. Campbell for the sum of fifty dollars, which amount is due him for making out a full transcript or list, (from the books of the Penitentiary,) of all the notes and accounts due to, and from the Penitentiary, for the purpose of enabling the Joint Select Committee, appointed under a resolution of this General Assembly, (requiring a report of the financial condition of said Institution,) to make their report.

Warrant to H.  
R. Campbell.

SEC. 3. *Be it enacted,* That the President or Chairman of the Board of Commissioners of the State Capitol, be required to ascertain what amount of money may be due, and owing the Agent of the Penitentiary, from W. Strickland, by note, account, order accepted or otherwise, and said President or Chairman, be authorized to retain such sum as may be due him, out of any money hereafter coming to said Strickland, as his salary as architect of the State Capitol; and to pay such sum over to the Agent of the Penitentiary, and be receipted for said

Settlement with  
W. Strickland.

Agent, shall be a good voucher, upon a settlement between the said Board of Commissioners, and said Strickland.

**Suspended debt.** SEC. 4. *Be it enacted*, That in order to simplify the accounts of the Penitentiary, that the Agent of the same, shall hereafter cause to be kept, a separate book of notes and accounts, to be called the "suspended debt," and into which he shall cause to be transferred, all notes and accounts that are considered bad, or barred by the statute of limitations, due said Institution.

**Governor appointed commissioner.** SEC. 5. *Be it further enacted*, That the Governor of the State of Tennessee, is hereby added to the list of Commissioners, on the State Capitol.

JORDAN STOKES,  
*Speaker of the House of Representatives.*

M. R. HILL,  
*Speaker of the Senate.*

Passed, February 27, 1852.

## CHAPTER CCCXXXIV.

AN ACT to better secure the rights of unincorporated Churches, Religious or Literary Societies and Schools.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That when any church, religious or literary society, or patrons of any school, may wish to avail themselves of the benefits of this act, such church, religious or literary society, or the patrons of such school, shall appoint a board of trustees, which appointment shall be made in writing, and shall be witnessed by at least two subscribing witnesses, and shall be proved and registered in the county Register's office, where such church, religious or literary society, or school may be situated, in the same manner that other instruments that are required by law to be registered, are registered.

**Incorporation** SEC. 2. *Be it enacted*, That when any board shall be constituted as directed in the first section of this act, such board of trustees, by the name and style of trustees of the church, religious or literary society, or school, named in the appointment, may sue and be sued, plead and be impleaded, answer and be answered unto, hold and possess property, both real and personal, and do and perform all other acts that may be necessary and proper to be done by them, as trustees for the pecuniary

interest and promotion of such church, religious or literary society, or school, in as full and complete a manner as if such board of trustees were an incorporated company.

SEC. 3. *Be it enacted*, That if any deed of conveyance, bond, or other instrument of writing, shall have been made and executed by any person or persons, to any Formation of  
new board. board of trustees, of any church, religious or literary society, or school, with a view and intent to convey or transfer any right to such trustees, for the benefit of the church, religious or literary society, or school, for which such trustees were appointed, and such board of trustees, have, by reason of death, removal or otherwise, become extinct, such church, religious or literary society, or patrons of such school may appoint another board of trustees, in the same manner as directed in the first section of this act, and such last trustees, when so appointed, shall be deemed and held as successors to the trustees mentioned in such deed of conveyance, bond, or other instrument of writing, and all the rights, both legal and equitable, shall inure to, and be vested in such last appointed trustees as were vested in the trustees mentioned [in such deed of conveyance, bond, or other instrument of writing.

SEC. 4. *Be it enacted*, That if any vacancies shall occur in any board of trustees appointed in accordance with the provisions of the first section of this act, such Vacancies. vacancies may from time to time, be supplied by appointment made by such church, religious or literary society, or patrons of a school, in the same manner as is directed for trustees to be appointed in the first section of this act.

SEC. 5. *Be it enacted*, That when any board of trustees may be appointed under the provisions of this act, Rules, &c. such board of trustees shall have the power to make such rules and by-laws for the government of such board as they may think best. *Provided*, such by-laws, be not inconsistent with the laws of this State, or of the United States.

JORDAN STOKES,

*Speaker of the House of Representatives.*

M. R. HILL,

*Speaker of the Senate.*

Passed, February 25, 1852.

## CHAPTER CCCXXXV.

AN ACT to divide the funds of Tracy Academy, in the county of Dickson, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the funds of Tracy Academy, in the county of Dickson, be and the same are hereby divided into two funds, one to be called Tracy Male Academy, and the other, Charlotte Female Academy, that the academy fund for said county shall be equally appropriated.

SEC. 2. *Be it further enacted*, That Wilson J. Mathews, <sup>Trustees of</sup> W. A. James and Thomas McNeally, be and they are <sup>Charlotte Female</sup> hereby appointed trustees for said Charlotte Female Academy, and shall remain so until others are appointed, as now provided by law.

SEC. 3. *Be it enacted*, That the Charlotte Female Academy are hereby constituted a branch of the Tracy Academy, in the county of Dickson.

JORDAN STOKES,

*Speaker of the House of Representatives.*

M. R. HILL,

*Speaker of the Senate.*

Passed, February 26, 1852.

## CHAPTER CCCXXXVI.

AN ACT to increase the salary of the Governor of the State.

*Be it enacted by the General Assembly of the State of Tennessee*, That from and after the expiration of the term of office of the present Governor elect, the Governor of the State shall be allowed an annual salary of three thousand dollars, payable quarterly, out of any money in the treasury not otherwise appropriated.

JORDAN STOKES,

*Speaker of the House of Representatives.*

M. R. HILL,

*Speaker of the Senate.*

Passed, February 12, 1852.

## CHAPTER CCCXXXVII.

AN ACT to amend the charter of the Lebanon and Tropicale Ferry Turnpike Company.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the president of the board of directors may call a meeting of the board, or of the stockholders, at any time or place; a majority of the directors shall constitute a quorum. The number of stockholders that may be legally convened at any time, shall constitute a quorum to elect directors, or transact any other business; they may elect successors to the present directors, at the first meeting called by the president, or postpone it to a subsequent meeting. The president may, also, at any time appoint agents to receive additional subscriptions of stock.

SEC. 2. *Be it enacted*, That the word *either*, in the first line of section fourteen of the original charter means *Style of road,* earth. The road shall be built eight inches deep with coarse rock, and that covered with dirt, and that covered three inches deep with gravel, ten feet wide in the centre, or where the directors may so specially order, it may be built wholly of gravel, twelve inches deep in the centre.

SEC. 3. *Be it enacted*, That whenever the road is completed from the Caney Fork to the eastern terminus, a gate may be erected; when one-fifth of the distance from the river to Lebanon is completed, at either end of the road, a gate may be erected thereon, and another for every additional fifth of said distance completed. When the whole is completed the company may keep a ferry at the crossing of the Caney Fork, and receive the same toll as at a gate. *Provided,* That there shall be only six gates besides the ferriage of Caney Fork. *And provided further*, That such company shall only be required to grade said road from the west end of the ridge, east of Caney Fork, to the eastern terminus of said road. *And provided further*, That said company shall have two years longer time, than specified in the original charter, to complete the same. *Gates.*

SEC. 4. *Be it further enacted*, That if any person traveling said road should go around any of said gates, *Penalty,* near than one mile, for the purpose of avoiding the toll of the same, he, she or they shall be subject to all the penalties annexed in the nineteenth section of the original charter.

SEC. 5. *Be it further enacted*, That the Lebanon and Big Spring Turnpike Company shall be entitled to all *Lebanon and Big Spring Turnpike.*

the benefits and provisions of the fourth section of this act.

SEC. 6. *Be it enacted*, That this act shall take effect from and after its passage.

JORDAN STOKES,  
*Speaker of the House of Representatives.*  
 M. R. HILL,  
*Speaker of the Senate.*

Passed, February 26, 1852.

## CHAPTER CCCXXXVIII.

AN ACT to amend the act of 1805, chap. 2, and 1837, chap. 16, in relation to a change of names, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the county courts of this State, shall have concurrent jurisdiction with the circuit court, to change and alter the name of any person, and the clerk of the county court shall have the same fee allowed by law, in such cases, to the clerk of the circuit court.

SEC. 2. *Be it enacted*, That the county or circuit courts shall have concurrent jurisdiction and power to authorize and empower any person or persons to adopt any child or children as their own upon application by petition or motion, and the adoption and the names of the parties, and the terms of the adoption shall be entered upon the records of the court, and the court shall have discretion to refuse the prayer of the petition. Such act shall confer upon such child or children the rights of a child or children, as if they were born the child or children of such parent, and capable of inheriting or succeeding to the personal or real estate of the parent as heir or next of kin, but shall confer no rights upon the person making the adoption to inherit or succeed to the personal or real estate of the child adopted, nor give him any right or interest in the estate of such child.

SEC. 3. *Be it enacted*, That the clerk's fees, for making an entering the record, shall be one dollar, to be paid by the petitioner.

JORDAN STOKES,  
*Speaker of the House of Representatives.*  
 M. R. HILL,  
*Speaker of the Senate.*

Passed, February 26, 1852.

## CHAPTER CCCXXXIX.

AN ACT to incorporate Carney's Nashville Commercial College.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That for the purpose of establishing and maintaining, in the city of Nashville, in the county of Davidson, an Institution for the instruction of young gentlemen in mercantile knowledge, embracing all the branches requisite for thoroughly qualifying them for book keepers and business pursuits, John Shelby, John B. Johnson, R. G. Smiley, S. R. Anderson, H. G. Scovel, C. J. F. Wharton, O. H. Anderson, J. L. Bond and James T. F. Carney, and their associates and successors, be, and they are hereby constituted a body politic and corporate, by the name and style of Carney's Nashville Commercial College, and by that name shall have perpetual succession, with power to receive all donations and bequests, and apply the same for the purposes aforesaid, in conformity with the conditions and designs of the donor, to contract and be contracted with, sue and be sued, defend and be defended in all courts of competent jurisdiction, to acquire, hold and convey property, real and personal, not exceeding fifteen thousand dollars, to use a common seal, and shall have all the powers and privileges incident to similar corporations.

Incorporation.

SEC. 2. *Be it enacted*, That said corporation shall have power to form a constitution and adopt by-laws for its government, to prescribe the number and title of its officers, to establish courses of study, and by such agents as they may appoint or direct, to grant certificates or diplomas under their corporate seal to such students as they may deem worthy.

Diplomas.

SEC. 3. *Be it enacted*, That all questions before the corporation shall be decided by a majority of the members present; and five members shall constitute a quorum for the transaction of business.

JORDAN STOKES,

*Speaker of the House of Representatives.*

M. R. HILL,

*Speaker of the Senate.*

Passed, February 25, 1852.

## CHAPTER CCCXL.

AN ACT to incorporate Oak Hill Seminary in the county of Coffee, and for other purposes.

incorporation.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That William P. Hickerson, Jas. Taylor, Lytle D. Hickerson, Uriah Sherrill, Massy Hill, Von Albade Anderson, Joseph Sherrill, William James Taylor, Robert Blackburn and Thomas A. Anderson, be, and they are hereby constituted a body corporate and politic, under the name and style of the Oak Hill Seminary, by which name and style they may have succession, sue and be sued, plead and be impleaded, have and use a common seal, and change the same at will, with power and authority to purchase, receive in donation, enjoy and possess estate, real, personal and mixed, and to lease, rent, sell, alienate and convey, or otherwise dispose of the same, with all rights, powers and privileges necessary and proper for them as an incorporated body. Said seminary shall be located in the county of Coffee, for the instruction of males and females in the various branches of English and modern general literature, the classics and mathematics.

SEC. 2. *Be it enacted*, That any property, whatever, acquired by said corporation, of Oak Hill Seminary, shall be exclusively devoted to the purposes of education and the diffusion of knowledge among men, and to none other.

Vacancies.

SEC. 3. *Be it enacted*, That the persons above named, and their successors, be, and they are hereby constituted, *ex officio*, a board of trustees for said Oak Hill Seminary, and shall have power to increase their number, and to fill any vacancies in said body at their discretion; a majority of said board shall have power to appoint professors and teachers, elect a president, secretary and treasurer, prescribe the course of instruction, the studies to be pursued, and to make such by-laws, for the government of said seminary, as they may deem proper, not inconsistent with the laws of this State or of the United States.

May confer degrees.

SEC. 4. *Be it enacted*, That the trustees, and such faculty as they may establish, shall have full power and authority to confer such degrees and literary honors as are usually conferred in colleges and literary institutions, and to grant diplomas under the seal of the institution, which shall be signed by the president and secretary of the board.

SEC. 5. *Be it enacted*, That said Oak Hill Seminary shall never be made a sectarian institution, and no re-

ligious test, shall be required of any of its officers or members.

SEC. 6. *Be it enacted*, That the University at Lebanon, <sup>University of Lebanon,</sup> be authorized to issue subpoenas, requiring any person to appear before the trustees or faculty thereof, and give evidence upon any enquiry instituted by it in regard to the conduct of its students or officers. *Provided*, That nothing in this act shall be construed, to authorize any subpoena to be issued for any student in said institution. If any person, so summoned, shall refuse to appear, or to give evidence, as required, he shall forfeit the sum of twenty-five dollars to the said University, to be recovered before any justice of the peace.

SEC. 7. *Be it enacted*, That said subpoena shall issue upon the order of the said trustees or faculty, in the name of the State, and be directed to the sheriff, or any constable, and be signed by the clerk or secretary of said University, and the officer to whom the same is delivered, shall be bound to execute and return the same as provided now by law in cases of subpoenas issued on trial before justices of the peace.

SEC. 8. *Be it enacted*, That the trustees or faculty aforesaid may administer oaths to witnesses summoned under this act, and if any person shall swear falsely and corruptly under said oaths, such person shall be guilty of perjury.

SEC. 9. *Be it enacted*, That Thomas C. Black, Epps S. Matthews, James M. Green, Wilson L. Watkins <sup>Stones River Academy,</sup> and G. M. Alsup, and their successors in office, be, and they are hereby constituted a body corporate and politic, by the name and style of the Trustees of the Stones River Academy, in the county of Rutherford, with all the powers, privileges, immunities and restrictions of the trustees of Dixon Springs Female Academy, incorporated by an act passed February 2, 1850.

SEC. 10. *Be it enacted*, That no student going to college, out of the county in which he resides, shall be subject to work on roads.

JORDAN STOKES,  
*Speaker of the House of Representatives.*  
M. R. HILL,  
*Speaker of the Senate.*

Passed, February 25, 1852.

## CHAPTER CCCXLI.

AN ACT to incorporate the proprietors of the Alderburn Cemetery.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Orville Ewing, John M. Bass, R. J. Meigs, C. Alloway, W. B. A. Ramsey, M. W. Wetmore and F. K. Zollicoffer, be and are hereby created a body politic and corporate, under the name and style of the Alderburn Cemetery, by which name they shall have power to contract and be contracted with, sue and be sued, have and use a corporate seal, make and alter by-laws, and do all other acts and things necessary and proper for effecting the object of their incorporation, which is to provide a place of repose for the dead.

Owners of lots  
stockholders.

SEC. 2. *Be it enacted*, That any person may become a member of this corporation by becoming the owner of one or more cemetery lots, as the same shall be laid off by the board of directors; and the ownership of a lot shall entitle the owner thereof to one vote at all meetings, but no member shall have more than one vote.

Election of directors.

SEC. 3. *Be it enacted*, That the affairs of this corporation shall be managed by a board of directors, consisting of nine person members of the corporation, to be elected by ballot, and receive a majority of the votes. The first election shall be held at a time and place to be designated by the first ten persons, who shall become owners of cemetery lots, which ten persons shall be commissioners for organizing the corporation; of which election, the same notice shall be given as herein provided for other elections, and every person who shall have subscribed and paid for a lot, shall be entitled to a vote at this election. Immediately after the first election, the board shall be divided by lot, into three classes, consisting of three each; the first class shall hold their office until the next annual meeting thereafter; the second class, a year longer than the first; and the third class, a year longer than the second; so that, at each annual meeting after the first election, there shall be three directors chosen to serve three years, and all vacancies previously existing shall be supplied. But in case of failure to elect, the directors previously in office, shall hold over until their successors are elected; and, in case of a vacancy occurring between any two annual meetings, the board shall have power to fill such vacancy until the next

annual meeting. A quorum of the board for all purposes shall be five directors.

**SEC. 4.** *Be it enacted,* That the annual meeting for the election of directors, shall be held on the first Monday of April in each year, but special meetings may be called by the president, at the request in writing of ten members, of which, as well as of the annual meetings ten days notice shall be given by advertisement, in at least two of the daily papers published in Nashville.

**SEC. 5.** *Be it enacted,* That the board of directors shall, at their first meeting after each annual election, elect by ballot, a president from their own body, and two persons from the members of the corporation to act as secretary and treasurer, these officers shall hold their offices for one year, and until their successors shall be appointed and qualified; and the treasurer shall give bond with security, to be approved by the board, in such sum as the by-laws shall direct, for the faithful performance of his duties. Officers.

**SEC. 6.** *Be it enacted,* That this corporation is authorized to purchase, or take by gift or devise, and hold land exempt from execution and from any appropriation to public purposes or uses, solely for a cemetery, not exceeding one hundred and fifty acres. The first receipts arising from the sale of lots, shall be applied to paying for the land until one half the price thereof is paid, all subsequent receipts, whether arising from the sale of lots, from donations, or otherwise, shall be applied in such proportions as the board may direct, to paying the residue of the price of the land, to laying out, preserving, protecting and embellishing the cemetery, and the avenues leading thereto; and to paying the necessary expenses of the corporation. No debts shall be contracted in anticipation of future receipts, except for the purchase money of the land, and for originally laying out, enclosing and embellishing the grounds and avenues, for which a debt or debts may be contracted, not exceeding ten thousand dollars in the whole, to be paid out of future receipts, to secure which, the directors may grant a lien on one half the land. No lots shall be sold on credit; but the board of directors may set apart a parcel of said land for the burial of such persons as may die while holding office under the general or any State government, or other meritorious persons not members. And after the purchase money of the land shall have been paid, and the debt contracted by the corporation for laying out, enclosing and embellishing the grounds and avenues, shall have

been liquidated, then the subsequent proceeds of the sales of cemetery lots, and all other profits arising from the management of the property, shall be applied and appropriated by the board of directors to pay the current expenses of continuing and maintaining said cemetery, and shall divide the surplus of such sales and profits among the members of the corporation in proportion to the amount invested by each in said cemetery.

Land free from  
execution and  
taxation.

SEC. 7. *Be it enacted*, That the original conveyance of lots from the corporation to individuals, shall be evidenced by a certificate, signed by the president and countersigned by the secretary, under the seal of the corporation, specifying that such a person is the owner of such a lot, and such certificate shall vest in the proprietor, his heirs and assigns, a right in fee simple to such lot exempt from execution, attachment, taxation or any claim, lien or process whatever, for the sole purpose of interment, under the regulations of the corporation; and said certificates shall have the same force and effect as deeds duly executed in other cases, and may be registered without any other authentication than the signatures and seal aforesaid, copies thereof from the register's office shall be evidence as in other cases; and said lots, or such portions thereof as may be prescribed by the board of directors, and with their assent, may be conveyed by any rightful holder of such certificate, by deed in due form of law for the sole purpose of interment as aforesaid. But no original certificate shall be granted to any person, who does not produce a certificate from the treasurer that he has paid for his lot in full. No person shall be the proprietor of more than three lots at the same time, unless by the unanimous consent of the directors.

Assignment of  
lots.

SEC. 8. *Be it enacted*, That for the purpose of convenient selection and description, the board of directors shall cause a plat to be made of the lots to be disposed of for interment, designating such lots by consecutive numbers, which plat shall be recorded on the books of the corporation. The choice of lots between those who shall have subscribed and paid for them, prior to the time of making the plat, shall be determined by lot, in such manner as the board of directors shall prescribe.

Board may con-  
trol improve-  
ments.

SEC. 9. *Be it enacted*, That the board of directors may enclose, improve and adorn the grounds and avenues, and erect buildings for the use of the corporation, and prescribe rules for enclosing, adorning and erecting monuments in the cemetery lots, and prohibit

any use, division, improvement, or adornment of a lot, which they may deem improper, and they shall make report of their doings to each annual meeting of the corporation.

SEC. 10. *Be it enacted*, That any person who shall wilfully destroy, mutilate, deface, injure or remove any tomb, monument or gravestone, or other structure placed in said cemetery, or any fence, railing, or other work for the protection or ornament of said cemetery, or of any tomb, monument, or gravestone, or other structure aforesaid, or any lot within said cemetery, or shall wilfully destroy, cut, break or injure any tree, shrub, or plant, within the limits of said cemetery, shall be deemed guilty of a misdemeanor, and shall, upon conviction thereof, before any court of competent jurisdiction, be punished by a fine of not less than five dollars, or more than five hundred dollars, and by imprisonment in the county jail not less than one, nor more than thirty days, according to the nature and aggravation of the offence; and such offender shall also be liable, in an action of trespass in the name of the corporation, to pay all such damages as have been occasioned by his unlawful act or acts; which money, when recovered, shall be applied by the said corporation, under the direction of the board, to the reparation and restoration of the property destroyed or injured as aforesaid, and members of said corporation shall be competent witnesses in said suits.

SEC. 11. *Be it enacted*, That this act shall take effect from its passage.

JORDAN STOKES,

*Speaker of the House of Representatives.*

M. R. HILL,

*Speaker of the Senate.*

Passed, February 27, 1852.

## CHAPTER CCCXLII.

AN ACT giving further time to James Wilson, late Sheriff of Morgan county, to collect arrearages of taxes, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the further time of twelve months be allowed to James Wilson, late sheriff and tax collector of Morgan county, to collect all arrearages of taxes that may yet be due and owing on the tax list of said county, during the time the said James Wilson was sheriff of said county.

Montgomery  
turnpike.

SEC. 2. *Be it further enacted*, That Jesse Coble, of Fentress county, James S. Duncan and Joshua Cromwell, of Morgan county, be appointed commissioners on the Montgomery turnpike road, with all the requirements of the original commissioners on said road, and that they be allowed the sum of one dollar and twenty-five cents per day, for their services as such.

New river nav-  
igable.

SEC. 3. *Be it further enacted*, That New river be, and the same is hereby declared navigable to the mouth of Buffalo creek, in Scott county.

Scott county.

SEC. 4. *Be it further enacted*, That the county of Scott be, and the same is hereby attached to the Sparta Bank District.

JORDAN STOKES,  
*Speaker of the House of Representatives.*  
M. R. HILL,  
*Speaker of the Senate.*

Passed, February 26, 1852.

## CHAPTER CCCXLIII.

AN ACT to amend the charter of the Shelbyville and Flat creek turnpike company, and for other purposes.

Route of road.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the charter of the Shelbyville and Flat creek turnpike company, be so amended, that the directors of said company, hereafter to be elected as provided for in said charter, in locating said road, may commence at or near the railroad depot in Shelbyville, and run thence with the present road, to

the Skull Camp Ford Bridge, thence the most practicable route in the opinion of said directors, passing near the residences of Thomas Dean and William Boon, crossing the dividing ridge between Bedford and Lincoln counties, at the most practicable point, thence down Mulberry, in Lincoln county, to or near the village of Mulberry, so as to intersect the Fayetteville, Mulberry and Lynchburg turnpike road.

SEC. 2. *Be it further enacted*, That in addition to the commissioners named in the original charter, that Robert M. Whitman, Joel Reese, Lanson Gill, George V. Hubb and William Moore, of Lincoln county, be appointed commissioners to open books and receive stock in said road, in Lincoln county. Commissioners.

SEC. 3. *Be it further enacted*, That in the election of directors for said company, not less than two from the stockholders in Lincoln county shall be chosen directors.

SEC. 4. *Be it further enacted*, That the capital stock in said road, may be increased to thirty thousand dollars. Capital Stock.

SEC. 5. *Be it enacted*, That the grade of said road, shall not exceed five degrees, except in crossing the ridge between the waters of Duck and Elk rivers, when it may be increased to seven degrees. Style of road.

SEC. 6. *Be it enacted*, That this charter is hereby declared forfeited, if said company fail to commence said road in two years and complete the same in six years from the passage of this act.

SEC. 7. *Be it enacted*, That stock taken by said company, may be paid in money or work, as provided for in the charter of the Fayetteville, Boonshill and Pulaski turnpike company, passed January 17th, 1850, the governing principles of which are adopted as the principles to govern the above company, so far as the same may be applicable, liable to all the penalties, and subject to all the benefits of said charter not inconsistent with the provisions of this act. Stock—how paid.

SEC. 8. *Be it enacted*, That this company shall hereafter be known as the Shelbyville Flat Creek, Mulberry and Fayetteville turnpike company, and the charter which this is intended to amend, is hereby repealed, so far as it conflicts with this act.

SEC. 9. *Be it enacted*, That the Taylorsville turnpike company, shall have the privilege of building an arm or branch of their road from Shown's cross roads, Johnson county, to the State line in the direction of Jefferson, in Ashe county, North Carolina, and of erecting thereon one toll gate, and charging toll thereon at the Taylorsville turnpike company.

rates they are authorized to charge on the main stem of their road for a like distance. *Provided*, They shall not be permitted to charge more than one fourth the amount of toll authorized to be charged on said main stem.

**Gates.** SEC. 10. *Be it enacted*, That said company shall have power to erect two or more toll gates on the main branch of their road. *Provided*, That no more toll shall be charged on the whole of said road than that allowed by the act incorporating said company.

**Commissioners.** SEC. 11. *Be it enacted*, That so soon as said company shall have completed the main stem of their road, they shall apply to the county court of Johnson county, whose duty it shall be to appoint two or more disinterested and intelligent men, unconnected with said road, commissioners who shall forthwith proceed to examine said road and declare whether they think it is completed according to law, and if they shall of be opinion, that the same is finished according to the requirements of the charter, they shall thereupon issue a license under their hands and seals, authorizing said company to erect such toll gate or gates, as they may be entitled to by law. And whenever said branch road shall be completed, the same proceedings shall be had thereon, as herein provided for. And it shall be the duty of said county court at the next January term, after the erection of a gate or gates on said main stem or branch road, and every two years thereafter, to appoint two commissioners to examine said road as often as they may be directed by the court and see that the same is kept in repair, and if they shall find that the same has been out of repair for more than two months, they shall take down the gate or gates on such portions of the road as they shall find out of repair, and keep them down until the road is repaired as required by the charter. Said commissioners as well as those herein first provided for, shall take and subscribe the following oath: "I do solemnly swear, that I will perform the duties assigned me according to the best of my knowledge and ability. So help me God." Said commissioners shall receive for their services one dollar per day, to be paid by said company.

**Quorum.** SEC. 12. *Be it enacted*, That if any member of the board of directors of said company, shall die, resign or refuse to act, the remaining members of the board shall fill such vacancy until the next regular election, and four members of the board shall constitute a quorum to transact business.

SEC. 13. *Be it enacted*, That the Nashville and Gal-

latin turnpike company shall have the power to remove and establish their gates upon said turnpike road. <sup>Nashville and Gallatin turnpike company.</sup> *Provided*, That more gates shall not be established than the charter authorizes.

JORDAN STOKES,

*Speaker of the House of Representatives.*

M. R. HILL,

*Speaker of the Senate.*

Passed, February 24, 1852.

## CHAPTER CCCXLIV.

AN ACT to amend the charter of the German Evangelical Lutheran Church at Wartburg.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the German Evangelical Lutheran Church at Wartburg, is hereby created a body corporate and politic, under the name and style of the "German Evangelical Lutheran Church at Wartburg," to continue forever, and have the privileges of other bodies corporate, to sue and be sued, to hold land and houses, and all kinds of property which they may now be possessed of or which they may hereafter lawfully acquire, by purchase, donation, gift, or testament, or otherwise. *Provided*, That the annual income from such property does not exceed the sum of twelve hundred dollars. <sup>Incorporation.</sup>

SEC. 2. *Be it enacted*, That the church council shall consist of seven persons, the respective minister, who is and shall always be a member of the council, and six church wardens, appointed by a free election of all full members of the church, and elected out of the members of said church. The time of their office shall be for two years, and in the following order, to wit: the time of office of three members shall end with the first year, and three other members shall be elected in the next year in their places, for completing the council, and so on; and this number may be increased as the affairs of said church may seem to require; the church wardens appointed in the last charter granted by the last General Assembly, shall remain in office for twelve months from the passage of this act. <sup>Church Wardens.</sup>

SEC. 3. *Be it enacted*, That no person shall be elected a minister of said church who is not a regularly ordained member of the Evangelical Lutheran church, and a member of an Evangelical Lutheran Synod of the United States.

SEC. 4. *Be it enacted*, That the service of said church shall be held in the German language, according to the rules of the Evangelical Lutheran church, and in union with the unaltered Augsburg confession.

SEC. 5. *Be it enacted*, That the church wardens shall have power to make such by-laws, rules and regulations as may seem to them necessary, for the better conducting the affairs of said corporation. *Provided*, They are not inconsistent with the constitution and laws of the State of Tennessee or of the United States.

Powers of Wardens.

JORDAN STOKES,

*Speaker of the House of Representatives.*

M. R. HILL,

*Speaker of the Senate.*

Passed, February 25, 1852.

## CHAPTER CCCXLV.

AN ACT to establish a chancery court at Maryville, in Blount county, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the county of Blount shall compose a chancery district, and the court for the same shall be held by the chancellor for the eastern division at Maryville, on the second Mondays of February and August, in each and every year. The chancellor shall appoint a clerk and master and organize at the first term.

SEC. 2. *Be it further enacted*, That the county of Hickman, shall compose a chancery district and the court for the same shall be held by the chancellor of the middle division, at Centreville, on the 4th Mondays of April and October, in each and every year. The chancellor shall appoint a clerk and master and organize at the first term.

Chancery court in Hickman co.

SEC. 3. *Be it further enacted*, That the citizens of the county of Perry, are hereby authorized to file their bills in the chancery courts at Lexington or Centreville, at their discretion, and that the citizens of the county of

Citizens of Perry and of Benton.

Benton, have the liberty of filing their bills in the chancery courts at Huntingdon or Paris, at their discretion.

Sec. 4. *Be it further enacted*, That it shall be the duty of the chancery courts at Columbia and Charlotte, Courts of Columbia and Charlotte upon the application of either of the parties, to order the cases of citizens of Hickman county, now pending in the chancery courts at those places, to be transferred to the chancery court hereby established at Centreville, and upon such order being made in any case, it shall be the duty of the clerk and master of the court in which the same may have been made, to make out a transcript of whatever orders may have been made in the case, and to transmit the same, together with the original papers in such case to the clerk and master of the court at Centreville, who shall receive and file the same, and enter the case upon the docket of his court, and said court at Centreville shall have jurisdiction and dispose of said causes so transferred.

Sec. 5. *Be it further enacted*, That the county of Hardeman shall compose a chancery district, and the court for the same shall be held by the chancellor for the western division at Bolivar, on the fourth Mondays in April and October, in each and every year. The chancellor shall organize the court at the first term and appoint a clerk and master. Chancery court at Bolivar.

Sec. 6. *Be it further enacted*, That it is hereby made the duty of the chancery court at Sommersville, upon the application of either of the parties, to order the causes of citizens of Hardeman county, now pending in the chancery court at that place, to be transferred to the chancery court hereby established at Bolivar, and upon such order being made in any case, it shall be the duty of the clerk and master of the court at Sommersville, to make out a transcript of whatever orders may have been made in the case, to transmit the same with all the original papers in such case to the clerk and master of the court at Bolivar, who shall receive and file the same and enter the case upon the docket of his court, and said court at Bolivar shall have jurisdiction and dispose of said causes so transferred. Chancery court at Sommersville.

JORDAN STOKES,

*Speaker of the House of Representatives.*

M. R. HILL,

*Speaker of the Senate.*

Passed, February 27, 1852.

## CHAPTER CCCXLVI.

AN ACT to establish Jefferson School, and for other purposes.

Incorporation.

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That James Wilson, J. L. Hadley, jr. J. A. Battle, B. Embry, W. Hyde and Jas. L. Foster, shall be, and they are hereby constituted a body politic and corporate, under the style and title of the "Jefferson School," and shall have perpetual succession and a common seal, and that they and their successors, and such others as may be associated with them by the name aforesaid, or by such other name as the trustees may adopt, shall have and they are hereby invested with all legal powers and capacities to buy, receive, possess, hold, alien and dispose of any property, for the use and benefit of said institution, and may sue and be sued, and commence and prosecute any legal process or processes, and have the same instituted against them in any court of record.

Powers.

SEC. 2. *Be it enacted*, That three trustees shall constitute a quorum, and the said trustees shall have full power to establish such departments in the institution as may be useful, and to elect such officers, professors or teachers, as they may deem necessary to secure the object of the institution, and also to make such by-laws and regulations as by them, may be considered necessary. *Provided*, that the same be not inconsistent with the constitution of the United States, or of this State.

Vacancies.

SEC. 3. *Be it enacted*, That upon the death, resignation or removal of any of the trustees, the vacancy thereby occasioned, may be filled by the remaining trustees or a quorum of them.

Degrees

SEC. 4. *Be it enacted*, That the trustees shall meet as often as may be considered necessary by them, and that the officers, professors and teachers, shall, with the advice and consent of the trustees, confer on any student in the institution, or on any other proper person, any degree or honors that are known and used in any institution of learning in the United States.

Exemption from tax.

SEC. 5. *Be it enacted*, That said institution may be located in any part of this State, that the trustees may select; that the land, buildings and property of said institution shall be exempt from taxation.

SEC. 6. *Be it enacted*, That the present board of trustees named in this act, may, by said members of the board, be increased to twenty.

SEC. 7. *Be it enacted*, That no misnomer or misde-

scription of said corporation in any deed, will, gift, grant, devise or other instrument of contract, or conveyance, shall vitiate, or defeat the same; but that the same shall take effect in like manner, as if the corporation were rightly named. *Provided*, it be sufficiently described to ascertain the intention of the parties. Missomer.

SEC. 8. *Be it further enacted*, That the Mayor and Aldermen of the city of Memphis, are hereby authorized to assess and collect a special tax upon such of the taxable property and privileges, of the city as they may deem expedient, and also a poll tax, upon all the rateable polls in the city, to raise a fund which shall be deemed sufficient, in addition to such funds as may be donated for the purpose, to purchase ground and erect buildings, for the establishment of a system of free education for the city, not exceeding thirty thousand dollars. City of Mem-  
phis.

SEC. 9. *Be it enacted*, That said Mayor and Aldermen are further authorized to assess and collect, annually, Tax. upon said property, and polls, a tax, for the support of said system of free education, not exceeding the average of ten dollars for each and every white inhabitant of the city, between the ages of six and seventeen years.

SEC. 10. *Be it enacted*, That said Mayor and Aldermen are further authorized to enact ordinances for the organization and management of said system of free education. *Provided*, that every white youth of the city, over six years of age, shall always be entitled to all the benefits of it without any tax or fee whatever, and without any sectarian influence or teaching.

SEC. 11. *Be it further enacted*, That John H. Dunlap, Sheb Loving, Wm: H. Thompson, Isaac B. Williams, B. C. Brown, J. W. Blanton, Andrew McCampbell, J. J. Watterson, E. L. Talliaferro, E. C. Trimble, Thos. W. Crawford, James Worthem, James Currin and John Oury, and their successors in office, be, and are hereby constituted a body corporate and politic, in the town of Paris, in Henry county, by the name and style of the trustees of the "Henry Institute," and by that name, shall have perpetual existence, and a seal which they may break, alter or renew at pleasure, and said trustees and that their successors shall be capable in law or equity to purchase, receive, or hold to themselves and their successors, any and all property, real, personal or mixed, necessary for the purposes of said institute, however the same may be acquired, and to use and dispose of the same in such manner as they think best, for the benefit of said institution, and by such name said trustees may sue and be sued, plead Henry Institute.

and be impleaded in any court of law or equity, in this State or elsewhere.

Powers.

SEC. 12. *Be it enacted*, That said board of trustees, or any five of whom shall constitute a quorum for the transaction of business, from time to time, shall have power to make such by-laws and regulations for the government of themselves and said institution, as they, or a majority of them may agree upon, to appoint a president of the Institution who shall be *ex officio* president of the board, and a secretary and treasurer of said board, and all other officers necessary for the government of said institution. *Provided*, such by-laws and regulations are not inconsistent with the constitution of the United States, and of the State of Tennessee.

Degrees.

SEC. 13. *Be it enacted*, That said board of trustees shall have power to employ all necessary teachers and lecturers; fix the rate of tuition, prescribe the course of study, to confer, if they think proper, such literary degrees and diplomas, as are usually conferred in such institutions; and shall have and enjoy and exercise all other powers and privileges, that are incident to corporations of this description.

Vacancies.

SEC. 14. *Be it enacted*, That in case of the death, resignation or refusal to serve on the part of any or either of the members of said board of trustees, or of any hereafter to be elected, the vacancy thus created may be filled by the board, or a quorum of them, by the election of suitable person or persons, to fill the same, and in the event of the death, removal or resignation of a member of said board of trustees, so as to reduce the same below a quorum, then the county court of Henry county, may, at its quarterly session, fill said vacancies.

SEC. 15. *Be it enacted*, That in the sale and conveyance of property belonging to said institute, the name of the President of the board shall be sufficient, signed to such conveyance, to make the same valid in law or equity.

JORDAN STOKES,

*Speaker of the House of Representatives.*

M. R. HILL,

*Speaker of the Senate.*

Passed, February 16, 1852.

## CHAPTER CCCLVII.

AN ACT to revive the charter, and to complete the construction of the Cumberland and Stone's River Turnpike Road.

WHEREAS, by the original charter of the Cumberland and Stone's river turnpike company, it was provided that the charter of said company should be forfeited, unless the said road should be completed in seven years, which has not been done. Therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That all the rights, powers, franchises and privileges originally vested in said company be revived, and ensure to, and shall be hereafter vested in the State of Tennessee.

SEC. 2. *Be it enacted*, That twelve thousand dollars be, and the same is hereby appropriated out of any <sup>Appropriation.</sup> money not otherwise appropriated for the purpose of completing said road, with the extension thereof, as herein provided for.

SEC. 3. *Be it enacted*, That Wilson L. Watkins, of the county of Rutherford, and Robert Hallum and John B. Baird, of the county of Wilson, be appointed <sup>Commissioners.</sup> commissioners to take the control and management of said road, and that for this purpose they be invested with all the powers and privileges, and be subject to all the restrictions and liabilities imposed and conferred upon the President and Directors by the original charter.

SEC. 4. *Be it enacted*, That said commissioners shall make all necessary examination into the condition of said road, and proceed at the earliest practicable time to let the same to contractors in the following manner, to wit: They shall be required first to let to contract and have completed according to the requirements of the original charter, the first five miles North of Murfreesboro, and the first five miles on the North and South sides of Lebanon, beginning at the corporate limits of said towns respectively; and whenever the same shall be completed, said commissioners shall have erected all necessary gates, gate-houses, &c., for every five miles thus completed, and so on for every succeeding five miles of said road, whenever the same shall have been completed, as aforesaid.

SEC. 5. *Be it enacted*, That whenever the whole, or any section of said road shall be completed, as aforesaid, the said commissioners shall certify the same on oath, and place such certificate, with the amount due therefor, in the possession of the contractor to whom it is due, and it shall be the duty of the comptroller of the <sup>Commissioners certificates.</sup>

treasury, upon the presentation of said certificate, to issue his warrant for the amount specified therein. *Provided*, that in no event shall more than the twelve thousand dollars appropriated by this act, be drawn from the treasury.

SEC. 6. *Be it enacted*, That the said commissioners, shall each receive as compensation, for each day's service, spent in discharging the duties enjoined by this act, the sum two dollars and fifty cents, to be paid out of the first tolls collected on said road.

Duties of commissioners.

SEC. 7. *Be it enacted*, That said commissioners shall collect from the gate-keepers on said road the tolls which they may receive as often as they may think proper, and deposit the same in the treasury of the State, taking a receipt therefor. *Provided*, however, that should the sum appropriated by this act be insufficient to complete said road, then may the commissioners use the tolls collected from said road, to complete the same, as in their judgment they may deem proper.

Extend to Cumberland river.

SEC. 8. *Be it enacted*, That said road shall be extended to Hunter's Point on the Cumberland river.

Commissioners to report.

SEC. 9. *Be it enacted*, That said commissioners shall make report of their proceeding under this act to the next General Assembly of this State, in which they shall set forth the manner in which they have expended the sum hereby appropriated, the amount of tolls collected, as well as the general condition of said road.

Vacancies.

SEC. 10. *Be it enacted*, That should a vacancy occur in said board of commissioners from the death, resignation, or removal of any of the commissioners hereby appointed, it shall be the duty of the Governor to fill such vacancy by the appointment of another commissioner or commissioners, in his or their stead.

Penalty for passing gates on all roads.

SEC. 11. *Be it enacted*, That should any person or persons, refuse or fail to pay the toll required at any of the above gates, the gate-keeper shall refuse passage to any such person or persons, and if any person or persons shall pass any of said gates without payment of toll, or avoid the same by going around any of said gates on this road, or any other McAdamized or Plank or Turnpike road, in this State, within one mile of the same, the gate-keeper may, by warrant before any acting Justice of the Peace, receive from any such person or persons, liable for toll, the sum of five dollars for each offence.

Atty. General to file bill.

SEC. 12. *Be it enacted*, That the Attorney General of the State shall forthwith file a bill against the individual stockholders in said company, in the name of the State of Tennessee, for the purpose of having the char-

ter for said company, so far as said individual stockholders are concerned, declared forfeited.

SEC. 13. *Be it enacted*, That this act shall take effect from and after its passage.

JORDAN STOKES,  
*Speaker of the House of Representatives.*  
M. R. HILL,  
*Speaker of the Senate.*

Passed, February 24, 1852.

## CHAPTER CCCXLVIII.

AN ACT to enable the Trustees of the New Hospital for the Insane, to furnish the same.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the provisions of the 5th section of an act passed February 5, 1848, entitled "an act to provide for the establishment of a State Hospital for the Insane in Tennessee," be and the same are hereby continued in force for one year from the 5th of February, 1852, and the funds arising therefrom, shall be placed to the credit of said Hospital for the Insane, by the Comptroller and State Treasurer, to be used by the trustees in extending and furnishing the same, and improving the premises thereof.

SEC. 2. *Be it enacted*, That the treasurer of the State shall pay out this fund as he does the other monies of the Institution.

SEC. 3. *Be it further enacted*, That the treasurer of the State shall receive three fourths of one per cent as compensation for receiving and disbursing the money which may come into his hands for the use of said Hospital, and to be paid out of the fund of said Hospital. Treasurer's compensation.

SEC. 4. *Be it enacted*, That the trustees of Davidson county, who are required by the act of 1848, to manage the details of the Hospital and report the same, be allowed two dollars for each days service, to be paid them out of the Hospital fund. Trustee's compensation.

SEC. 5. *Be it enacted*, That the salaries of all officers in the employment of the Lunatic Asylum, shall not be increased, but remain as heretofore. Salaries of officers.

SEC. 6. *Be it enacted*, That the usual annual appropriation of six thousand dollars to defray the current and ordinary expenses of the Asylum is hereby made out of any monies in the treasury, in the same manner, Annual appropriation.

and to be used for the same purposes as heretofore provided by law.

JORDAN STOKES,

*Speaker of the House of Representatives.*

M. R. HILL,

*Speaker of the Senate.*

Passed, February 18, 1852.

## CHAPTER CCCXLIX.

AN ACT to incorporate Locust Grove Academy, in Weakley county, Tennessee, and for other purposes.

WHEREAS, a number of citizens of Weakley county, fully appreciating the importance of education and learning, to that end, have obtained a site, in the southern portion of said county, for suitable buildings, which are now in process of erection. Therefore, to give them the necessary powers, to further them in their laudable undertaking,

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That E. D. Hornbeak, P. B. Mosely, R. F. Pate, Dorling Jones, Gilbert Patterson, Samuel Baker, R. C. Drewry, E. J. Shannon and Wm. M. Hays, and their successors in office, be and they are hereby constituted a body politic and corporate, by the name and style of the Trustees of Locust Grove Academy, and shall have succession for ninety-nine years, and they are hereby invested with all legal powers and capacities to buy, receive, possess, hold, enjoy, dispose of, alien and convey any property, either real or personal for the use and benefit of said academy; shall have a common seal, may sue and be sued, plead and be impleaded, in any of the courts in this State or elsewhere

Vacancies and  
Quorum

SEC. 2. *Be it enacted*, That the trustees aforesaid, and their successors, shall have power to hold such meetings at such times and places as may be agreed upon from time to time by a majority of the board of trustees aforesaid, to appoint a president, secretary and treasurer of said board, and fill all vacancies that may happen by death, resignation or otherwise, but not less than five members shall constitute a quorum to transact any business relating to the management, interest or government of said academy.

SEC. 3. *Be it further enacted*, That said trustees shall have power to make such by-laws, rules and regulations, for the government of said academy as they shall deem proper, provided they are not inconsistent with the constitution and laws of the United States, and of the State of Tennessee. Rules, &c.

SEC. 4. *Be it further enacted*, That the buildings and lot of said academy shall be exempt from taxes.

SEC. 5. *Be it further enacted*, That James A. Rogers, Wm. Kincaid, C. Y. Rice, Elisha McNew, Preston Speedwell Acad.  
emy. McNew and Samuel Monday, be appointed trustees of Speedwell Academy, in the county of Claiborne.

SEC. 6. *Be it enacted*, That the trustees of Locust Grove Academy, in Weakley county aforesaid, shall have full power and authority to confer such degrees Degrees in  
Locust Grove  
Academy. and literary honors as are usually conferred in such institutions, and to grant diplomas under the seal of the institution, which shall be signed by the president and secretary of the board.

SEC. 7. *Be it enacted*, That A. M. Wilson, John M. Brown, Daniel McCallum, E. R. Osborne, W. R. Bruce, Foresthill Acad.  
emy. W. M. Stevenson and E. Stovall, be and they are hereby constituted a body politic and corporate, to be known by the name of the Trustees of Foresthill Academy, located on the line between Giles and Lincoln counties; the said trustees shall have perpetual succession, and shall have power to fill vacancies which may occur, either by death or resignation.

SEC. 8. *Be it enacted*, That said trustees and their successors in office, shall be capable in law to purchase, receive and hold, to themselves and their successors forever, any lands, tenements, goods or chattles, which shall be given, granted or devised to them for the use of said academy, and to use and dispose of the same, in such manner as to them shall seem most advantageous to said academy, and the said trustees and their successors, by the name aforesaid, may sue and be sued, plead and be impleaded, in any court of law in the State or elsewhere. Powers.

SEC. 9. *Be it enacted*, That the trustees aforesaid, shall have power to hold meetings at such times and places as they shall think proper, and elect from their own body a president, secretary and treasurer, and a majority of said board shall be a quorum to transact business relative to the interest of said academy. Quorum.

SEC. 10. *Be it enacted*, That S. S. Porter, James M. Sowell, W. W. Coleman, Powhattan Gordon and Dan'l M. Harris, be, and the same are hereby constituted a body politic, by the name of the Trustees of the Wil- Williamsport  
female academy.

liamsport Female Academy, to be located at Williamsport, in Maury county, and shall have perpetual succession, and a common seal, and shall enjoy all the powers and privileges conferred by this act upon Forest-hill Academy.

JORDAN STOKES,  
*Speaker of the House of Representatives.*  
 M. R. HILL,  
*Speaker of the Senate.*

Passed, February 21, 1852.

## CHAPTER CCCL.

AN ACT to change the incorporation line of the town of Taxewell, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the incorporation line of the town of Taxewell, Claiborne county, Tennessee, be so changed, as to leave out of said incorporation all the land belonging to Benjamin F. Cloud, situate between Main street and Town creek, which has not been laid off into town lots.

SEC. 2. *Be it further enacted*, That the corporate limits of the town of McMinnville, shall be extended as follows, and shall include the following bounds: commencing at the head of the spring known as Mofford's spring; thence down the spring branch to the Barren fork of Collins' river; thence down the Barren fork to the grave yard spring; thence in a direct line to the old bridge; thence to North's spring; thence to a well in Wm. West's field, near where Mrs. Settle once lived; thence to the north-west corner of a four acre lot, where the same adjoins the land of Wm. Argo, owned by L. Pope; thence to the beginning, at Mofford's spring; and the mayor and aldermen shall have the same power and authority, within the above limits, as they now have in said incorporated town.

JORDAN STOKES,  
*Speaker of the House of Representatives.*  
 M. R. HILL,  
*Speaker of the Senate.*

Passed, February 26, 1852.

## CHAPTER CCCLI.

AN ACT to confer additional powers on the Trustees of Trenton Academy, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Trustees of Trenton Academy are hereby empowered to sell, or in any manner convey the real property belonging to said academy to the trustees of Andrew College; and as soon as said college is ready for the reception of pupils, its trustees shall be also the trustees of said academy, and be entitled to all the rights and privileges of the trustees of Trenton Academy: *Provided*, That the academy fund shall be applied to the academical department of said college.

Trustees of Trenton Academy to be trustees of Andrew College,

SEC. 2. *Be it enacted*, That all laws requiring the trustees of Trenton Academy to pay over one-half of the fund belonging, or hereafter to accrue to said academy, to the trustees of the Female Academy, be, and the same are hereby repealed.

SEC. 3. *Be it enacted*, That the trustees of Trenton Academy may apply any portion of their funds to the erection of buildings for the academical department of said college.

SEC. 4. *Be it enacted*, That the trustees of the Trenton Female Academy, are hereby empowered to sell and convey the real property belonging to said academy, and appropriate the proceeds of such sale, together with any unexpended balance of funds in their hands, or due them from the trustees of Trenton male academy, to the trustees of the Odd Fellows' Female Collegiate Institute, at Trenton, for the purpose of aiding in educating destitute and orphan girls in the academical department of said Institute, or to the support of said academical department, under direction of said trustees.

Odd Fellows' Female Collegiate Institute.

SEC. 5. *Be it enacted*, That from and after the passage of this act, the Recorder of the city of Memphis shall have, and may exercise, concurrent jurisdiction within the corporate limits of said city with justices of the peace, in all cases arising from a violation of the laws of the State of Tennessee within the limits of said city.

Recorder of Memphis.

SEC. 6. *Be it further enacted*, That the Recorder aforesaid, shall have exclusive jurisdiction of all cases arising within the corporate limits of said city of Memphis, from a violation of any of the ordinances, by-laws or regulations of the said city, unless otherwise ordered by the mayor of said city in special cases.

SEC. 7. *Be it enacted*, That the trustees of the county

Academy of Perry county. academy of Perry county, be, and they are hereby authorized to establish a female branch of said academy in or near the town of Linden.

Academy of Decatur county. SEC. 8. *Be it further enacted*, That the trustees of the county academy of Decatur county, be, and they are hereby entitled to the same privileges that are granted to the trustees of Perry county academy.

JORDAN STOKES,

*Speaker of the House of Representatives.*

M. R. HILL,

*Speaker of the Senate.*

Passed, February 26, 1852.

## CHAPTER CCCLII.

AN ACT to change the time of holding the Circuit Courts in the county of Shelby and for other purposes,

SECTION 1. *Be it enacted by the General Assembly of the State Tennessee*, That hereafter the circuit courts of the county of Shelby, shall be held on the third Mondays of January, May and September, in each and every year, and that all laws, and parts of laws, requiring said courts to be holden at any other time, be, and the same are hereby repealed.

SEC. 2. *Be it enacted*, That all proecess issued, or hereafter to be issued, shall be made returnable as herein provided; and that all recognisances which have heretofore been entered into, shall be returnable to the third Monday in May next, and shall have the same force, effect and validity as if the same were returned to the said court on the first Monday in May next, and in case of any defendant, who is under a recognisance to appear before the circuit court, in the town of Raleigh, on the first Wednesday after the first Monday in May next, shall be and appear before the said court on the first Wednesday after the third Monday in May next, and in case of default of appearance of any defendant as herein provided, the said court shall proceed to enter up judgment upon said recognisance, in the same manner as if the same had been made and entered on the first Wednesday after the first Monday in May, which said judgment, upon said forfeited recognisance, shall have the same effect as if the same had been rendered on the first Wednesday after the first Monday in May next.

SEC. 3. *Be it further enacted*, That hereafter, the circuit courts for the county of Sevier, shall commence and be held on the third Mondays of March, July and November, and, if necessary, continue in session two weeks; and that the circuit courts for the county of Cocke, shall commence and be held on the first Mondays next after the fourth Mondays in March, July and November, in each and every year. *Provided*, That the first terms of said courts, in the year one thousand eight hundred and fifty-two, shall be held at the times heretofore prescribed by law.

Circuit courts in  
Sevier & Cocke.

SEC. 4. *Be it enacted*, That suits in chancery, originating in the county of Tipton, shall hereafter be brought in the chancery court at Sommerville.

Chancery causes  
in Tipton.

JORDAN STOKES,  
*Speaker of the House of Representatives.*

M. R. HILL,  
*Speaker of the Senate.*

Passed, February 28, 1852.

## CHAPTER CCCLIII.

AN ACT to authorize the transfer of certain suits now pending in the Chancery Court at Jonesborough, to Blountville.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That it shall be lawful for the Chancellor, upon the application of the complainants, and with the consent of the defendant, to order that the causes now pending in the chancery court at Jonesborough, Tennessee, which originated in the county of Sullivan, be transferred to the chancery court hereafter to be held in the town of Blountville.

SEC. 2. *Be it further enacted*, That upon any order of transfer being made, as provided for in the first section of this act, it shall be the duty of the clerk and master of the chancery court at Jonesborough, within forty days after the order of transfer shall have been made, to make a complete and perfect transcript of all rules in relation to the same, either upon the record books of said court or upon the rule docket, and transmit the same, together with the original papers, to the clerk and master of the court at Blountville, and the clerk and master shall receive the usual fees, to be taxed in the bill of costs. *Provided*, That complainants, who

Transfer—how  
made.

desire to do so, may file their bills in the chancery court at Jonesborough, and, the chancellor, presiding there, shall have as full and ample jurisdiction of said causes, as he would have if the bills were filed in the chancery court at Blountville, and said chancellor were presiding in said last mentioned court.

Causes in Blount  
county.

SEC. 3. *Be it further enacted*, That it shall be lawful for the chancellor, upon the application of the complainants and with the consent of the defendants, to order that the causes now pending in the chancery courts at Sevierville, Knoxville and Madisonville, which originated in the county of Blount, be transferred to the chancery court hereafter to be held in the town of Maryville; said transfers shall be made under the same rules, regulations and restrictions, so far as applicable, as is set forth in the second section of the foregoing act.

Chancery court  
in Sumner.

SEC. 4. *Be it enacted*, That the chancery court for the county of Sumner, after the next April term, shall be held on the first Mondays in October and April, in each year.

JORDAN STOKES,

*Speaker of the House of Representatives.*

M. R. HILL,

*Speaker of the Senate.*

Passed, February 28, 1852.

## CHAPTER CCCLIV.

AN ACT to authorize the White's Creek Turnpike Company to remove one of the gates on their Turnpike Road, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the White's Creek Turnpike Company shall have power to remove the gate on their road, next to the city of Nashville, nearer to said city, so as to be above the overflow of the Cumberland river, but not so as to be nearer the city of Nashville than two miles, as provided in the original charter.

Western Central  
Turnpike Co.

SEC. 2. *Be it enacted*, That the act, passed December 21st, 1849, entitled "an act to incorporate the Western Central Turnpike Company, and for other purposes," be and the same is hereby so amended, as to authorize the president and directors to commence said road at the town of Perryville.

SEC. 3. *Be it enacted*, That John Randolph, Thomas

Gribble, Helm Stratton and Thomas Massey, be, and they are hereby incorporated, with power to open a road the nearest and best way from McMinnville to Rock Island, and to erect a substantial bridge over Collins' river, at such place as said road shall cross said river; and the county court of Warren county, shall prescribe the rate of toll to be received by said company for passing said road and bridge.

Road from McMinnville to Rock Island.

Sec. 4. *Be it further enacted*, That the 3d section of an act passed the 24th of January, 1850, to authorize Daniel Wallen to open a turnpike road across Willin's Ridge, in Marion and Hamilton counties, be so amended, that Daniel Sirly, of Hamilton county, and John Bennett, of Marion county, be appointed commissioners of said road in the place of Burrell Bennett and John Foust, the present commissioners, and that the said Daniel Wallen, the proprietor of said road, be, and he is hereby authorized to change the location of said road on the east base of the mountain, in Hamilton county, if in his opinion the location of the road can be improved by said change; and shall be entitled to receive the following rates of toll, to wit: All wagons loaded and drawn by six horses, mules or oxen, sixty cents; all loaded wagons, drawn by five horses, mules or oxen, fifty-five cents, by four horses, mules or oxen, fifty cents, by three horses, mules or oxen, forty cents; for all carryalls, drawn by two horses, thirty cents, by one horse, twenty-five cents; for each four wheeled pleasure carriage, drawn by two horses, fifty cents, by one horse, thirty cents; for each cart or wagon, drawn by two horses, thirty cents, by one horse, twenty-five cents, the same rates if drawn by mules or oxen; for each man and horse, ten cents; for each horse or mule, not in a drove, five cents; for each horse, mule or cattle, in a drove, three cents; for each head of hogs or sheep, one cent, that may travel through said gate.

Daniel Wallen's road.

Tolls

JORDAN STOKES,

*Speaker of the House of Representatives.*

M. R. HILL,

*Speaker of the Senate.*

Passed, February 12, 1852.

## CHAPTER CCCLV.

AN ACT authorizing the construction of a Railroad from Howard Wiley's Coal Banks, in Morgan county, to some suitable point on Poplar creek or Big Emery, in Roane county.

Incorporation.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the formation of a company is hereby authorized for the construction of a railroad from Howard Wiley's coal banks, in Morgan county, to the most eligible point on Poplar creek or Big Emery river, as the company may choose, which company shall consist of the stockholders, and when formed shall be a body corporate, by the name and style of the Poplar Creek, Black Diamond and Salt Manufacturing Railroad Company, and by such name shall have and enjoy, possess, and exercise all the rights, privileges and franchises, so far as the same are applicable, which the Nashville and Chattanooga Railroad Company have by the terms of an act, passed 11th December, 1845, entitled "an act to incorporate the Nashville and Chattanooga Railroad Company," and be subject to the same limitations and restrictions therein imposed. *Provided*, That each share of stock shall entitle the owner to one vote.

Capital stock.

SEC. 2. *Be it enacted*, That the capital stock of said company shall be twenty thousand dollars, to be divided into shares of twenty dollars each, and Howard Wiley, Joseph Estabrook, Richard Oliver, John Kingston and Wm. Gear, are hereby appointed a board of commissioners, who may at such times and places, and upon such terms as they may think proper, sell or dispose of, or open books for the subscription of said stock, and who shall, as to this road in all respects, have the power, and perform the duties prescribed for the board of commissioners of the Nashville and Chattanooga Railroad Company, by the 4th section of the act aforesaid in relation to that road; and when the number of one hundred shares shall be subscribed, the company shall be considered as formed, and as having a corporate existence as aforesaid, and the board of commissioners may proceed to survey the route of the road and make an estimate of the cost of its construction; and when one hundred shares shall have been subscribed, the board of commissioners shall appoint a time for the stockholders to meet at Richard Oliver's, in Anderson county, for the purpose of electing a president and three directors, to manage the affairs of the company: the president shall be elected, as well as the directory, by the direct vote of the stockholders. *Provided*, That the

governor shall not be authorized to endorse the bonds of said company.

JORDAN STOKES,  
*Speaker of the House of Representatives.*

M. R. HILL,  
*Speaker of the Senate.*

Passed, February 26, 1852.

## CHAPTER CCCLVI.

AN ACT to amend an act, passed the 20th December, 1831, entitled "an act to incorporate a company for opening a turnpike road from Nashville to the top of the Ridge, about one mile from Elijah Robertson's, in a direction from Nashville via Charlotte to the Western District, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the number of directors of the Nashville and Charlotte Company be reduced to six, if the stockholders, at their next meeting, pass a resolution so amending their charter, three of whom shall be elected by the stockholders; and three to be appointed by the governor, four of whom shall constitute a quorum.

Sec. 2. *Be it enacted,* That the charter of said company shall be printed with the acts of the present General Assembly.

Sec. 3. *Be it further enacted,* That the 10th, 11th, 12th, 13th, 14th, 15th, 16th, 17th, 18th, 19th, 21st, 22d, and 23d sections of an act, passed February 3d, 1848, <sup>Nashville and Hillsboro' Turnpike company</sup> incorporating the Nashville and Hillsboro' Turnpike Company, and for other purposes, be and the same are hereby revived and so amended, that whenever five thousand dollars of stock is subscribed, either in money or work, the subscribers may meet in Franklin, or such other place as they may choose, proceed to organize a company by the election of a president and board of directors from among their own number, who shall proceed to mark out and construct such portion of said road as they may choose.

Sec. 4. *Be it further enacted,* That the subscribers shall select three commissioners, with such compensation as they may determine, to value the work done on the road by those subscribing work, and assign to them so much stock, and the capital stock of said company shall be the amount subscribed and assigned, and may at any time thereafter, be increased by additional sub-

scriptions as before, and the road shall be continued as the additional subscriptions may justify, and the new subscribers and road shall be united with the portions previously completed, and be one and the same road and company. The directors may extend the time or make such other regulations concerning contracts on said road as they may think best for the interest of the company.

JORDAN STOKES,

*Speaker of the House of Representatives.*

M. R. HILL,

*Speaker of the Senate.*

Passed, February 25, 1852.

## CHAPTER CCCLVII.

AN ACT to incorporate the Murfreesboro' and Liberty Turnpike Company.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That William Spence, L. H. Carney, Enoch H. Jones, A. M. Alexander, Dennis Hogwood, Jacob Wright, and John D. Alexander, be, and they are hereby appointed commissioners to open books to receive subscription for the purpose of opening a second class turnpike road, to be called the Murfreesboro' and Liberty Turnpike, to commence at the town of Murfreesboro' and run the nearest and best route to the gap of the ridge, north-east of James McKnight's; thence in the direction of Liberty, in DeKalb county, making Jacob Wright's bridge, on Stones river, a point; and whenever the sum of fifteen thousand dollars is subscribed, the same shall be divided into shares of twenty-five dollars each, which subscription shall be made in person or by attorney, regularly authorized; but if a smaller sum be sufficient to build said road, or a greater sum required, then the capital may be reduced or increased, as the case may require, sufficient for said purpose. The commissioners heretofore appointed shall open books in the town of Murfreesboro', and in the town of Milton, in Rutherford county, on the first Monday in May next. So soon as the above amount is subscribed, a meeting of the stockholders shall be held in the town of Murfreesboro', of which meeting the commissioners shall give twenty days notice at four public

places in said county; after which first meeting the stockholders shall be, and are hereby constituted a body politic and corporate, by the name and style of the **Murfreesboro' and Liberty Turnpike Company**, and together with those who may hereafter subscribe stock, or purchase stock in the same, shall be constituted, and may own, sell and buy property, sue and be sued in their corporate name and character, and possess all the rights and privileges appertaining to bodies corporate and politic by law, and shall have succession for ninety-nine years. The subscribers, or a majority of them being present at the first meeting, either in person or by proxy, shall elect seven directors, who shall be stockholders, who shall elect one of their number president of the board of directors, and the president and directors thus chosen shall continue in office two years, and until another election shall take place to fill their places, of which notice shall be given in four public places in said county of Rutherford. The president and directors thus chosen, shall have power to open books and receive subscriptions to the amount of capital stock hereby granted, or to any amount sufficient to build said road along the nearest and best, and most practicable route, and shall have the power to make contracts for the opening and constructing said road, and may, from time to time, call such payments on the stock subscribed as the debts of the company require, but no more than two dollars and fifty cents on each share shall be called for at any one time, of which twenty days notice shall be given; said president and directors may also appoint a clerk and treasurer, and such other officers as may be necessary, and transact all the business of said company, and prescribe the duties and fix the pay of its officers and agents.

**SEC. 2.** *Be it enacted*, That in respect to subscribers who fail to pay in any call as aforesaid, the president and directors shall have the same right and power that are granted to the Murfreesboro' and Woodbury turnpike company in their charter.

**SEC. 3.** *Be it enacted*, That any subscriber, as aforesaid, shall have the privilege to discharge the shares he may have subscribed in said road in work and labor thereon, to be valued at the cash value thereof by three disinterested men, chosen jointly by said subscribers and the president and directors, if not agreed upon by the said parties.

**SEC. 4.** *Be it enacted*, That said road shall be made equal to a second class turnpike road, according to the laws of Tennessee, and bridges erected, culverts made,

&c., in all places the same may be necessary, and to be graded and coated with beat up limestone or river gravel, under the same rules, regulations and restrictions as now govern the Murfreesboro' and Woodbury turnpike road, and be constructed in the same manner that said Murfreesboro' and Woodbury turnpike is constructed; and said company shall in all things be governed by the same rules and restrictions, and have the same privileges in erecting toll-gates, fixing the rates of toll, and to be subject to the same liabilities as are prescribed in said act chartering said company; and that said company shall have the time of four years to open and complete said road after the passage of this act.

JORDAN STOKES,

*Speaker of the House of Representatives.*

M. R. HILL,

*Speaker of the Senate.*

Passed, February 25, 1852.

## CHAPTER CCCLVIII.

AN ACT to incorporate the Carthage Manufacturing Company.

*Incorporation.*

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That a body corporate and politic is hereby constituted and established, by the name and style of the Carthage Manufacturing Company, for the purpose of manufacturing flour and grinding of grain, and manufacturing lumber of every kind used in the mechanic arts, and for carding and otherwise working wool and cotton; said company may use common seal, and alter the same at pleasure; to have succession; sue and be sued, plead and be impleaded; to make its own by-laws, not inconsistent with the laws of the State or of the United States; to hold by purchase or otherwise any real estate necessary to prosecute the objects of the company, but which shall not exceed the amount of the capital stock, and shall be exempt from taxation for two years after going into operation.

*Capital Stock.*

SEC. 2. *Be it enacted,* That the capital stock of said company shall be divided into shares of fifty dollars each, and shall consist of not less than one hundred shares, nor more than two thousand; shall be transfer-

red on the books of the company, only with the consent of the directors, and then, not until the whole amount of arrearages due, shall have been paid up; they shall have power to declare forfeited any stock which may remain unpaid, in whole or in part, and may sue for and recover any sums due from said stock, before any tribunal having jurisdiction in such sums, after giving twenty days' notice to the delinquents.

SEC. 3. *Be it enacted*, That the affairs of the company shall be conducted by a board of directors, elected by the shareholders annually, and shall consist of five directors, from which number there shall be chosen a president, secretary and treasurer, and any act done by them, by the authority of the directors, for the purposes of the company, shall be binding.

SEC. 4. *Be it enacted*, That Timothy Walton, Ed. Commissioners.  
Burke Pickett, H. W. Marley, John H. Anderson and James B. Moores, are hereby appointed commissioners to receive subscription in said company, subscriptions to any one of whom shall be legal. *It is further provided*, That said company shall not go into operation till one hundred shares shall have been taken in cash, and after that number, the commissioners may receive subscriptions of stock to be discharged in work, labor and materials. The said company shall locate their works in the county of Smith, and may be organized by any three of the above commissioners, by giving ten days notice, after one hundred shares shall have been subscribed.

SEC. 5. *Be it enacted*, That all laws heretofore passed General powers.  
for the benefit of joint stock companies, not inconsistent with the general provisions of this act, shall apply with equal force to the Carthage Manufacturing Company, and they shall be entitled to the benefits of the same.

JORDAN STOKES,  
*Speaker of the House of Representatives.*

M. R. HILL,  
*Speaker of the Senate.*

Passed, February 26, 1852.

## CHAPTER CCCLIX.

AN ACT to incorporate the junction railroads connecting the East Tennessee and Georgia and East Tennessee and Virginia, the Kentucky and Knoxville, and the Knoxville and North Carolina railroad companies.

**Incorporation:**

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the formation of a company is hereby authorized, for the purpose of constructing railroads connecting the East Tennessee and Georgia, and the East Tennessee and Virginia, and the Knoxville and Kentucky, and the Knoxville and North Carolina railroads, commencing at some eligible point on the East Tennessee and Georgia railroad, not farther south of Blair's ferry than eighteen miles on said railroad, passing on the most practicable route through Monroe, to or near Morgantown in Blount county, through Blount to or near Maryville, thence to Knoxville, forming a junction between the East Tennessee and Georgia and the East Tennessee and Virginia railroad, in forming the junction between Knoxville and North Carolina, commencing on said road at the most eligible point between Morganton and Maryville; passing up the little Tennessee river to the North Carolina line, which company shall consist of the stockholders, and when formed, shall be a body corporate by the name and style of the East Tennessee and Georgia, and the East Tennessee and Virginia, and the Knoxville and Kentucky, and the Knoxville and North Carolina railroad company, and by such name shall have and enjoy, possess and exercise all the rights, powers, privileges and franchises, so far as the same are applicable, which the East Tennessee and Virginia railroad company have by the terms of an act passed the 27th of January, 1848, entitled an act to incorporate the East Tennessee and Virginia railroad company, and be subject to the same liabilities and restrictions therein imposed.

**Capital stock.**

SEC. 2. *Be it enacted*, That the capital stock of said company shall be five hundred thousand dollars, and may be increased to an amount sufficient to complete said roads, to be divided into shares of twenty-five dollars each, and Guilfred Cannon, D. P. Hurly, John B. Tipton, Col. Wm. Heiskell, James Hall and Barclay McGhee, of the county of Monroe; Jabes Coalson, Leonard Wood, John Hardin, Thomas Hardin, Dr. Samuel Ghormly, Gen. William Wallace, B. D. Brabson, James Toole, L. McReynolds, C. D. Anderson, D. W. Tedford, Alexander Kennedy, David Caldwell, H. T. Cox, R. G. Wilson and James Donalson, of the

county of Blount; James Henry, William G. Brownlow, Burrell Badget, Samuel Flanagan, Campbell Wallace, Dr. W. H. Montgomery, Samuel McCammon and Oliver P. Temple, of the county of Knox; James Catlett, Dr. R. H. Hodsden, J. S. McNutt, Col. W. Duggan and Thomas Brabson, of the county of Sevier, be hereby appointed a board of commissioners, who may at such times and places, and upon such terms as they may think proper, dispose of or open books for the subscription of said stock, and who shall, as to those roads in all respects, have the power and perform the duties prescribed for the board of commissioners of the East Tennessee and Virginia railroad company, by the aforesaid in relation to that road, so far as it relates to these roads. And whenever the number of one thousand shares shall be subscribed, the company shall be considered as formed, as having a corporate existence as aforesaid, and the board of commissioners may proceed to survey the routes of the roads, and make an estimate of the cost of their construction, and when one thousand shares shall have been subscribed, the board of commissioners shall appoint a time for the stockholders to meet at Maryville for the purpose of electing a president and six directors to manage the affairs of the company; the president shall be elected as the other directors are, by direct vote of the stockholders.

SEC. 3. *Be it enacted*, That the board of directors may call for the payment of the stock subscribed, in such sums and at such times as may be agreed upon by a majority of the stockholders, in agreement with the successful and speedy completion of the aforesaid railroads.

SEC. 4. *Be it further enacted*, That the company formed under the provisions of the foregoing act, shall at their discretion, complete any portion of said road forming either connexion, and dispense with the other if they think advisable. *Provided further*, That the road may terminate on the south side of the Holston river, until the company have time to procure the means to build a bridge to form the connection, and have the right to build a depot on the south bank of said river and use it until the connection is formed.

JORDAN STOKES,

*Speaker of the House of Representatives.*

M. R. HILL,

*Speaker of the Senate.*

Passed, February 27, 1852.

## CHAPTER CCCLX.

AN ACT to charter the Rogersville and Jefferson railroad company.

**INCORPORATION.** SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That for the purpose of establishing a communication by railroad between Rogersville and the most eligible point on the East Tennessee and Virginia railroad, the formation of a company is hereby authorized, which when formed, shall be a body politic and corporate by the name and style of the "Rogersville and Jefferson railroad company," and by said corporate name, shall be capable in law to purchase, receive by gift, hold, sell and convey real and personal estate, as hereinafter provided, make contracts, sue and be sued, make by-laws, and do and perform all legal acts properly incident to a corporation, and necessary and proper to transact the business for which it is created, and to have and use a common seal, and the same to alter or destroy at its pleasure, and shall have perpetual succession of members.

**CAPITAL STOCK.** SEC. 2. *Be it enacted*, That books for subscription of ten thousand shares of the capital stock of said company, of twenty-five dollars each, shall be opened at such times and places as the commissioners hereinafter appointed, or a majority of them may designate, which books shall be kept open till at least five hundred shares shall be subscribed, and when the number of five hundred shares shall have been subscribed, the company shall be regarded as formed, to have a corporate existence as aforesaid.

**COMMISSIONERS.** SEC. 3. *Be it enacted*, That William Pangle, William McCullough, Thos. J. Lea, Samuel Chesnut, James H. Walker, Daniel Cochraham, William Phillips, Rodham Chesnut, James M. Hord, William Smith, Orville Rice, A. Kyle, C. Shanks, J. Cope, Jas. McClure, Jos. Johnson, James K. Neill, William C. Kyle, Jas. K. Simpson, C. J. McKinney, Richard G. Fain, John Netherland, Geo. R. Powell, A. Carmichael, William Miller, Thos. J. Amis, C. C. Miller, Jacob Miller, A. D. Looney, William Hutchison and C. W. Hall, are appointed commissioners to receive subscriptions to the capital stock of said company, and shall receive fifty cents on each share so subscribed.

SEC. 4. *Be it enacted*, That so soon as five hundred shares shall have been subscribed, the commissioners shall deposit all the money so received by them in some incorporated specie paying bank, to the credit of the Rogersville and Jefferson railroad company, and sub-

ject to the order of the board of commissioners herein-after appointed, and shall forward a correct list of the subscribers to the said stock with the number of shares each subscriber has taken, to a board of commissioners, to be composed of the following persons: Thos. J. Lea, Rodham Chesnut, Geo. R. Powell, Jas. K. Neill, Richard G. Fain, Jacob Miller, William Hutchison, C. W. Hall and John Netherland, who may choose their own president and appoint such other officers and agents as they may think proper, and establish and ordain rules to govern their own proceedings, which commissioners shall have and exercise the sole management and control of said company, until a board of directors shall be elected and qualified.

SEC. 5. *Be it enacted*, That so soon as the said company shall be formed as hereinbefore provided for, the said commissioners shall give due notice thereof, and call a meeting of the stockholders on a day certain for the purpose of electing a board of nine directors from among the stockholders in said company, who shall hold their office twelve months, and until a new board shall be elected and qualified, whose duty it shall be; so soon as they shall be fully organized, to proceed to employ a competent engineer to survey and locate said road, and for the residue of said original number of ten thousand shares, the said board of commissioners or board of directors may in like manner continue to receive additional subscriptions.

Directors.

SEC. 6. *Be it enacted*, That the said board of directors may fill all vacancies which may occur in it during the period for which their board shall have been elected, and in the absence of the president, may fill his place by electing a president *pro tempore*.

Vacancies.

SEC. 7. *Be it further enacted*, That whatever sum of money is left unexpended from the improvement of the Holston river, be and the same is hereby appropriated to improvement of a road in such gap of the Clinch mountain in the county of Hawkins, all laws to the contrary notwithstanding, as the commissioners herein-after mentioned shall select.

Gap in Clinch mountain.

SEC. 8. *Be it further enacted*, That James K. Neill, Wm. C. Kyle, Hiram Tucker, William Sullivan and James P. McCarty, are hereby appointed commissioners to select the gap in said mountain to be improved, and to superintend the said improvements, and the above named money shall be paid over to the said commissioners or their order, and the receipt of said commissioners shall be a good voucher for the river commissioners.

Commissioners.

Rogersville and  
Jefferson railroad  
company.

SEC. 9. *Be it enacted*, That the said Rogersville and Jefferson railroad company, shall be governed by the provisions of the Nashville and Chattanooga railroad charter, except as is herein otherwise provided for, and shall have the same rights and privileges, and be under the same penalties and restrictions of said company.

JORDAN STOKES,  
*Speaker of the House of Representatives.*  
M. R. HILL,  
*Speaker of the Senate.*

Passed, February 27, 1852.

## CHAPTER CCCLXI.

AN ACT to authorize William J. McClelland to open and construct a turnpike road in Dickson county.

INCORPORATION. SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That William J. McClelland, of the county of Dickson, be and he is hereby declared to be a body politic, to sue and be sued, to plead and be impleaded, in any of the courts of law in this State, and he is hereby authorized to open and construct a turnpike road, beginning at Charlotte and running in the direction of Waverly, in the county of Humphreys, for the distance of six miles, running the nearest and most practicable route, to a place known as the Gulley Farm.

STYLE OF ROAD. SEC. 2. *Be it enacted*, That the said road shall be opened twenty feet wide, clear of obstructions, to be graded not exceeding six degrees, and thrown up in the centre so as to turn the water off on either side, and such places as are not or will not become firm by use, to be gravelled and bridged so that the travel will not be impeded thereon.

SEC. 3. *Be it enacted*, That the said William J. McClelland, shall have power to purchase land on which to erect a house or houses where said turnpike gate shall be erected under this act, and the said McClelland shall have power to purchase and hold land for the use of said road.

DAMAGES. SEC. 4. *Be it enacted*, That should any person through whose lands said road may pass, consider him or themselves damaged by said road, in that event the said McClelland shall select one disinterested free

holder, and the person or persons complaining, shall select one disinterested free holder, and the two thus chosen, shall select a third disinterested free holder, who shall go upon the premises and view and assess the damages complained of if any, taking into consideration the advantages and disadvantages of said road to said lands, and their assessment shall be binding upon the parties concerned, and the amount of damages so assessed, if any, shall be recoverable by law, before any jurisdiction having cognizance thereof.

SEC. 5. *Be it enacted*, That said William J. McClelland, after the completion of said road herein specified, which work shall be commenced within two years and completed within five years from the passage of said charter, shall be allowed to erect a toll gate at any point on said road between the town of Charlotte and the terminus of said road, and receive the same rates of toll that is received at any toll gate on the Nashville and Charlotte turnpike road, except the gate on Dog creek. Rates of toll.

SEC. 6. *Be it enacted*, That if any person passing said road, shall refuse to pay the rates of toll herein allowed, the gate keeper may lawfully refuse to such person or persons a passage, and in the event such person or persons should force a passage, such person or persons shall forfeit and pay a fine of five dollars for each and every such offence, to be recovered by the owner of said gate or his agent, before any justice of the peace for said county. Penalty for passing gate.

SEC. 7. *Be it enacted*, That when said road shall be completed under the provisions of this act, it shall be the duty of the county court of Dickson county, to appoint three disinterested free holders to examine said road, and upon the report of any two of them, that said road has been completed agreeable to the provisions of this act, the gate herein provided for and the tolls herein allowed, may be exacted and charged, and the said commissioners receive a reasonable compensation for their services, to be paid by the said William J. McClelland. Examiners of road.

SEC. 8. *Be it enacted*, That if any person shall give information on oath before any justice of the peace in said county, that said road is not in good repair, as is provided for in this act, said justice shall issue his warrant to the sheriff or any constable of said county, to summons three disinterested free holders, whose duty it shall be to examine said road and report to said justice, and upon their report that said road is out of repair, said justice shall have the power and he is here- Penalty for road out of repair.

by authorized to command the sheriff or any constable of said county, to cause said toll gate to be opened and the collection of all tolls to be suspended until said road shall be repaired, and the said William J. McClelland, shall be liable for all costs in said proceedings, and should said road for the term of twelve months remain out of repair, all the rights, privileges and immunities hereby granted, shall be forever forfeited and forever cease.

SEC. 9. *Be it enacted*, That all the rights and privileges granted in this act, shall continue for the term of ninety-nine years to the said William J. McClelland, his successors, his heirs and assigns.

SEC. 10. *Be it enacted*, That so much of the act of 1850, chap. 84, as relates to the Blountville and Elizabethton Cranberry Iron Works turnpike company, be and the same is hereby so amended, that the name and style of said company, shall be the Blountville, Middletown and Elizabethton turnpike company, and in that name shall sue and be sued, plead and be impleaded, and possess all the rights, privileges and powers appertaining to bodies corporate and politic by law, and shall have succession for ninety-nine years.

Blountville, Mid-  
dleton and Eliza-  
bethon turnpike.

SEC. 11. *Be it enacted*, That said company shall be allowed until the first Monday of January, 1856, to comply with the provisions of their charter.

SEC. 12. *Be it enacted*, That the commissioners appointed by said act to open books for subscription of stock, shall have until the first Monday of August, 1852, to comply with the provisions of the 7th section of said act. *Provided*, The books for subscription of stock shall be opened on or before that time.

SEC. 13. *Be it enacted*, That in addition to the commissioners appointed by the 8th section of said act, the following named persons are appointed to open the books for subscription of stock at the following places, viz: David McClelland, Jacob Thomas, William Anderson, Benjamin Booker, at Middletown; David Feather, George R. McClelland, F. Storm, Saml. Snapp, Andrew Mawk, Thomas Fain and J. J. James, at Blountville, who may act with or without the concurrence of the commissioners heretofore appointed.

Additional  
Commissioners

SEC. 14. *Be it enacted*, That so soon as the amount of stock shall be taken as required by said act, a meeting of the stockholders shall be held at Blountville, in the county of Sullivan, in pursuance to the provisions of said act, to elect the directors of said company.

SEC. 15. *Be it enacted*, That the tenth section of said act, be so amended, that the stockholders at their first

meeting or any subsequent meeting, a majority being present either in person or by proxy; shall have the power to determine whether or not they will extend the road any further than from the Virginia line to Elizabethton, in Carter county, or Middleton, in Sullivan county, and shall also have the power to determine whether they will build a McAdamized or plank turnpike road on any part of said route, and a majority of the votes cast shall decide. Extension of road.

Sec. 16. *Be it enacted*, That before said company shall erect a toll gate or toll gates, they shall procure the county court of one of the counties through which the road may pass, to appoint three disinterested persons to examine said road, who shall be sworn to true report make, and if said persons shall report that said road or that part upon which it is proposed to erect a gate or gates, has been finished according to this act, and the act to which this is an amendment, then an order shall be made allowing such gate or gates to be erected; and that so much of the act of 1850, chap. 84, as is inconsistent with this section, be and the same is hereby repealed. County Court to appoint examiners.

Sec. 17. *Be it enacted*, That said company shall have the right to erect one toll gate for every five miles of road, and to place them on such parts of the road as they may deem best, and to erect said gates as fast as sections of five miles are completed from either terminus of the road. *Provided*, That no gate shall be erected nearer than two miles of Blountville, Middleton or Elizabethton. *And provided*, That no two gates shall be nearer to each other than four miles. Gates.

Sec. 18. *Be it enacted*, That the directors of said company shall have power to pass such by-laws and adopt such rules and regulations as they may deem necessary to carry out the provisions of this act, and the act this is intended to amend, and may use a common seal, and have all the powers incident to such corporations. *Provided*, That the location of said road shall be made so as to make Middletown a point. *Provided further*, That the location shall be made by the first board of directors, which may hereafter be elected by the stockholders. Power. Location of road.

Sec. 19. *Be it enacted*, That the act passed January 30th, 1850, incorporating the Blountville, Elizabethton and Cranberry Iron Works turnpike company, be so amended as to authorize the said company to change the route of said road, so as to run it from John Hyder's in the Doe river cave to the head of Gap creek, near to Douglass', thence down said creek to or near its May change route of road.

mouth, thence to the line of the East Tennessee and Virginia railroad at or near to Lacy's.

Sec. 20. *Be it further enacted*, That the said company shall not be required to construct the said turnpike road further than to the line of the East Tennessee and Virginia railroad, at or near Lacy's.

Marshall's Ferry  
turnpike.

Sec. 21. *Be it further enacted*, That Nathaniel G. Taylor, Robert Love, Samuel Williams, John W. Lacy, Larkin L. Wilson, Jesse S. White and Elijah Simmerly, are hereby appointed commissioners to open books and to receive subscriptions on the first Monday in May, 1852, at such places as they may appoint, and they as commissioners and the company when formed shall have all the privileges granted to the commissioners and company, and subject to all the duties imposed by the said act of 30th January, 1850, and the said company shall have the further time of five years from and after the passage of this act to complete said road.

Powers.

Sec. 22. *Be it enacted*, That all persons who shall become stockholders pursuant to this act, shall be and they are hereby constituted a body politic and corporate, by the name and style of the Marshall's Ferry turnpike company, and by that name may sue and be sued, plead and be impleaded, and shall have and enjoy all the rights, privileges and powers appertaining to bodies politic and corporate by law for the space of ninety-nine years, and shall have succession.

Capital Stock.

Sec. 23. *Be it enacted*, That the capital stock of said company shall be fifty thousand dollars, with the privilege of increasing the same to one hundred thousand dollars, should it be deemed necessary to the completion of the road. Said capital stock to be divided into shares of twenty-five dollars each.

Commissioners.

Sec. 24. *Be it enacted*, That the following persons shall be commissioners to open books and receive subscriptions of stock, to wit: William McFarland, George Evans and Bartley McGhee, of the county of Jefferson, and Wm. M. Barton, Joseph Shannon, Milton Shields and H. O. Taylor, of the county of Grainger, who shall open books for subscription of stock after giving twenty days notice of time and place at Morristown, in Jefferson county, and at Russellville, in Jefferson county, at the Paper Mill and Bean's Station, in Grainger county, and at such other places in either of said counties, as the commissioners may deem expedient, and so soon as it shall be ascertained that five thousand dollars have been subscribed, they shall call a meeting of the stockholders by public notice, at such convenient point as they may designate, and if a ma-

majority of the stockholders, by themselves or representatives, shall be present, they may proceed to elect seven directors, each stockholder being entitled to one vote for every share of stock he may own, who shall be stockholders, and out of their number they shall elect a president, and said president and directors shall hold their offices one year and until their successors are elected, and they shall have the same powers and privileges, and be subject to the same duties and obligations, which are conferred and imposed upon the Western Central turnpike company, in the 3d, 4th, 6th, 7th, 8th, 9th, 10th, 11th, 12th and 13th sections of the act incorporating said company, passed Dec. 21st, 1849.

SEC. 25. *Be it enacted*, That after the election of directors, they or a majority of them, or such person as they may appoint, shall proceed to designate and mark out the said road, commencing at Bean's Station, in Grainger county, crossing the Holston river at or near Marshall's Ferry, thence passing near Holston Paper Mill, and thence to the line of the East Tennessee and Virginia railroad, near the residence of Wm. M. Barton, thence to the Dandridge road, near the residence of Wm. McFarland, Esq., in Jefferson county.

SEC. 26. *Be it enacted*, That when the company shall erect a good and substantial bridge over the Holston river, they shall be entitled to demand and receive the same toll for passing over it, which is allowed in the 7th section of the said act of December 21st, 1849, for passing through a gate, in addition to the toll therein authorized to be demanded and received at the toll gates. And if the company should desire to have one of the toll gates herein authorized to be established on said road within the county of Jefferson, they are hereby authorized to establish one at any point on said road within said county. *Provided*, Nothing herein contained shall authorize said company to demand or receive a greater amount of toll than the rates herein before established.

SEC. 27. *Be it enacted*, That the company shall have two years from and after the passage of this act to begin the said road, and five years to complete the same.

SEC. 28. *Be it enacted*, That the president and directors shall have the same powers and privileges, rights and duties, which are conferred upon the president and directors of the Western Central turnpike company by the 14th section of said act of 21st December, 1849, and no other turnpike road to run parallel to and with-

in five miles of the said Marshall's Ferry turnpike road shall be chartered.

JORDAN STOKES,

*Speaker of the House of Representatives.*

M. R. HILL,

*Speaker of the Senate.*

Passed, January 26, 1852.

## CHAPTER CCCLXII.

AN ACT to incorporate the Trustees of the Mossy Creek Missionary Baptist Seminary, in the county of Jefferson, and for other purposes.

*Incorporation.*

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee,* That James Carson, Lorenzo D. Tipton, William Ballew, William B. Williams, Ruel Birdwell, John Mullendore, Joseph Manning, William Philips, Thomas J. Lane, Coleman Witt, G. G. Taylor, James Lacy, James Greenlee, Richard Fielder, Lea Dyer, Ephriam Moore, James Hudson, Jonathan Quarles, William M. Moody, William M. F. Helm and James H. Carson, and their successors in office, be, and they are hereby constituted a body politic and corporate, by the name and style of the Trustees of the Mossy Creek Missionary Baptist Seminary, in the county of Jefferson, and State of Tennessee, and by such name, shall have all the powers, rights, privileges and immunities usually bestowed on such incorporate bodies, may sue and be sued, implead and be impleaded, answer and be answered unto, defend, and be defended, in any court of law or equity whatever, and may have and use a corporate seal, which they may alter and change at their pleasure, and may have continual succession; and said Trustees and their successors, shall be capable in law to contract for, receive, possess and hold to themselves and their successors any money, bonds, notes or other evidences of debt, or any kind of property whatever, either real or personal, by donation, gift, grant, purchase, conveyance, devise, or in any other manner whatever, for the use and benefit of said Seminary, and the title to all such property, either real or personal, or to the bonds or notes, or other evidences of debt, which have heretofore been obtained by said trustees for the purpose of establishing and building up said Seminary, is hereby vested in said trustees and their successors, for the use and benefit of said Institution, and no mis-

nomer or misdescription of said corporation, or any of its members, in any deed, gift, grant, devise or other instrument of contract or conveyance, shall vitiate or defeat the same, but the same shall take effect in like manner as if said corporation and its members were rightfully named, and said trustees and their successors shall have legal power, to collect and receive all funds, that may have heretofore been, or that may hereafter be contributed or pledged, with reference to the establishment, maintenance and support of said Seminary, or for any of its other purposes, and may apply the same, and may give, grant, bargain, sell, convey or otherwise use and dispose of all, or any part of the real or personal property, as to them shall seem best for the interest of said Seminary, which is to be located and built up at the pleasure and discretion of the trustees.

Sec. 2. *Be it enacted*, That said trustees and their <sup>Officers.</sup> successors, shall have power to appoint a chairman, secretary and treasurer, and assign to them their respective duties, who shall be considered the officers of their board, and shall have power to hold their meetings, for the transaction of business, at such times and places as may be agreed upon, from time to time, and if no such agreement shall be made, a called meeting for the transaction of necessary business may be made by the chairman, or any two members of the board at any time, and the business at any meeting of the board may be transacted by a majority of the trustees who may attend. *Provided*, that not less than five shall constitute a quorum to transact business, and if a less number than five shall attend, they may adjourn from time to time, until a quorum can be obtained.

Sec. 3. *Be it enacted*, That said board of trustees <sup>Faculty.</sup> shall have power to appoint a president, professors and teachers, and such other officers as they may deem necessary for said Seminary, and fix their salaries and duties; who shall constitute the faculty of said Seminary, for the government and education of the students of the same, with such powers, duties and privileges as the board of trustees may allow and prescribe to them; all of whom shall hold their offices during the pleasure of the trustees.

Sec. 4. *Be it enacted*, That the faculty of said Seminary, by and with the consent of the board of trustees, <sup>Degrees.</sup> shall have power to grant and confer such honors and degrees of literary distinction upon any of the students of said Seminary, or upon any other person, as are known and conferred by any University, College or Seminary of learning in this State or the United States,

and may give such testimonials and diplomas thereof, in such manner, under the corporate seal and signature of the faculty and trustees, as they may desire, or choose to adopt.

Vacancies.

SEC. 5. *Be it enacted*, That said trustees shall have power to declare vacant the seat of any trustee who shall, from sufficient cause, satisfactory to said board, prove himself deficient in official duty, or moral character, and any trustee shall have the right of resigning his office as trustee, at any time, by making his wish to do so, known in writing, to the board of trustees, and said board of trustees shall have power and authority to fill any vacancy that may take place at any time in their board of trustees, either by death, resignation or otherwise.

By-Laws.

SEC. 6. *Be it enacted*, That said trustees and their successors shall have power to adopt a constitution, and make such by-laws, rules and regulations, and alter and amend them from time to time, as they may think proper for the government of their own proceedings, and for the government and management of the affairs of said Seminary. *Provided*, they shall not be inconsistent with the constitution and laws of this State, and of the United States.

Union Academy.

SEC. 7. *Be it enacted*, That from and after the first Monday in April next, the following named persons, be, and they are hereby appointed trustees of Union Academy, in Anderson county, and that they shall constitute a permanent board of trustees, not subject biennial election by the county court as provided by the laws now in force, to wit: John McAdoo, Austin Moore, John C. Chiles, Milton Tate, John Whitson, William Cross, John Leinart, William Wallace, James H. Young, and W. G. McAdoo.

Board may appoint committee.

SEC. 8. *Be it enacted*, That the board of trustees appointed by the seventh section of this act, shall have power to appoint a committee of three of their own number, who shall reside in, or as near as may be convenient, to the town of Clinton, and the said committee, shall have full power and authority to employ teachers, fix the pay for teachers, and the rates of tuition, and to do all other business connected with their duties as trustees. *Provided*, that the whole board of trustees be required to meet annually as now provided for by law, and provided further, that the chairman of the board may, at any time, when in his opinion the interests of the institution require it call a meeting of the whole board, in which event the

board so called together, shall act on the subject matter to be decided.

SEC. 9. *Be it enacted*, That the the board of trustees, appointed by the seventh section of this act, shall have power to fill all vacancies which may occur in their body, by death, resignation, or otherwise. Vacancies.

SEC. 10. *Be it enacted*, That the board of trustees appointed under the seventh section of this act, shall have power, by a vote of two thirds, of dismissing from the board, any member, on satisfactory information that such member is not faithful and true to the interests of the institution; in the discharge of the duties incumbent on him as a trustee of said Union Academy, and the vacancy created by such dismissal shall be filled as provided for by the ninth section of this act.

SEC. 11. *Be it enacted*, That a majority of the board appointed by the seventh section of this act, shall at all times, constitute a quorum, to transact any business relative to their duties as trustees, and a majority of the committee appointed by the eighth section of this act, shall have power to perform all duties connected with their office.

SEC. 12. *Be it enacted*, That in all other respects, as not otherwise directed in this act, the board of trustees appointed by the seventh section of this act shall have the same power and privileges, elect the same officers, and be governed by the same rules and regulations as the board of trustees of Union Academy, now in authority. Power.

SEC. 13. *Be it enacted*, That all laws and parts of laws heretofore, or now in force, in this State, inconsistent with the true meaning of this act, so far as it relates to Union Academy, be, and the same are hereby repealed.

JORDAN STOKES,  
*Speaker of the House of Representatives.*  
M. R. HILL,  
*Speaker of the Senate.*

Passed, December 5, 1851.

## CHAPTER CCCLXIII.

AN ACT to amend an act entitled an act to incorporate the New Orleans and Ohio Telegraph Company, passed October 18, 1847, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the act entitled "an act to incorporate the New Orleans and Ohio Telegraph Company," passed October 18th, A. D. 1847, be so amended as to empower the stockholders of said corporation, divide the shares of stock in said company into sums of fifty dollars each, instead of one hundred dollars, as is provided for in said act.

SEC. 2. *Be it enacted*, That Perez Dickinson, Campbell Wallace, James C. Moses, Joseph L. King and James Williams, of Knoxville; R. C. Jackson, John Y. Crawford and T. J. Campbell of Athens; W. H. Hibbs, W. K. Pickens, and Robt. M. Swan, of Cleveland; R. B. Braham, J. L. M. French and E. R. Mills, of Chattanooga, and their associates, who may have acquired, or may acquire the right to construct and carry on Morse's Electro Magnetic Telegraph, be, and the same are hereby constituted a body politic and corporate for the purpose of erecting and maintaining a line of said telegraph on the route from Chattanooga to Knoxville, and transmitting intelligence by means thereof under the name and style of the Knoxville and Chattanooga Magnetic Telegraph Company.

SEC. 3. *Be it enacted*, That the capital stock of said company, shall consist of twenty thousand dollars in shares of twenty five dollars each, to be issued to such persons as have heretofore or hereafter may contribute funds for the construction and improvement of said line of telegraph, in such proportion as they may subscribe and contribute.

SEC. 4. *Be it enacted*, That said company shall have power and authority to build or purchase any connecting or side line in the State, and may enlarge its capital for that purpose.

SEC. 5. *Be it enacted*, That the persons mentioned in the second section of this act, shall have power to call a meeting of the stockholders, giving three weeks notice of the time and place of such meeting, in at least one newspaper published respectively at Knoxville, Athens and Chattanooga, for the purpose of electing a president, secretary, treasurer, and seven directors, who shall establish offices on the line of said road, at such places as they may deem proper.

SEC. 6. *Be it enacted*, That the directors and all of

ficers of said company, shall hold their respective offices for one year, and until their successors shall be elected, and shall exercise such powers pertaining to the building and "management" of said Telegraph, not repugnant to or incompatible with the constitution and laws of the State, and of the United States, as may be authorized by the by-laws of said corporation. Powers.

SEC. 7. *Be it enacted*, That at every election each share shall entitle its holder to one vote, and absent stockholders may vote by proxies producing written authority from them; in case of an equal number of votes on both sides, the election shall be decided by lot. Powers.

SEC. 8. *Be it enacted*, That said company shall have power to sue and be sued, plead and be impleaded, to make and use a common seal, and alter the same at pleasure, to purchase and hold such real and personal estate, as the lawful purposes of said company may require, and the same to sell and convey or in anywise dispose of, as they may see proper, to appoint such officers and agents as may be necessary to manage the business of said company, to make by-laws not repugnant to the laws of the land, and generally to use, exercise and enjoy, all rights and privileges which are incident to incorporated companies. By-Laws.

SEC. 9. *Be it enacted*, That said company shall have power and authority to contract with any person or persons, or bodies corporate for the purpose of connecting its line of Telegraph with lines of this State.

SEC. 10. *Be it enacted*, That said company shall have power and authority to set up their fixtures along and across any highway or ways, and any railroad which now or may hereafter belong to the State or incorporated companies, without the same being held and deemed a public nuisance, or subject to be abated by any person or corporation, provided said fixtures be so placed as not to interfere with the common use of said road, waters or water courses, or with the convenience of any land owner further than is unavoidable; and the said corporation shall be liable and responsible for any damages, which any corporation or private person may sustain by the erection, continuance and use of any such fixtures, and in any action brought for the recovery thereof, by the owner or occupier of any land, the damages to be awarded, may at the election of the said corporation, include the damage of allowing the said fixtures permanently to continue; on the payment of said damages, the right of the corporation to continue such fixtures, shall be confirmed, as if granted by the Damages.

parties to the suit; provided that no person or body politic, shall be entitled to sue for or recover damages as aforesaid, until the said company, after due notice, shall have refused or neglected to remove the fixtures complained of within a reasonable time; and every person or persons, who shall destroy or commit any trespass upon the fixtures of said company, erected in pursuance of the authority hereby given, actually interrupting or with an intent to interrupt, the operations of the telegraph of said company, shall pay to said company, the sum of five hundred dollars for each and every such trespass, and shall be further liable for all damages, which the said corporation may suffer in repairing the injury, and in the interruption of its business, to be recovered before any court of law having jurisdiction thereof, and shall be further liable to indictment, and on conviction be fined and imprisoned at the discretion of the court; and if any person incurring the penalty aforesaid, shall through insolvency or other cause, be unable or shall fail to pay the penalty and damages aforesaid, and shall a second time destroy or commit a trespass upon any such fixtures as aforesaid, such person shall, be subject to be imprisoned not less than one or more than six months.

To send public  
despatch.

SEC. 11. *Be it enacted*, That said company shall be bound upon the application of any officer of this State or of the United States, in the event of any war, insurrection or other civil commotion, or resistance to public authority, or in the punishment or prevention of any crime, or the arrest of persons charged or suspected thereof, to give the communications of such officers immediate despatch, and if any officer, clerk or operator of the said company, shall refuse, or wilfully omit to transmit such communication, or shall designedly alter or falsify the same for any purpose whatever, shall be subject upon conviction thereof, to be fined and imprisoned at the discretion of the court. The said company shall not charge a higher price than shall be usually charged for private communications of the same length.

Operators &c.  
exempt from military  
duty.

SEC. 12. *Be it enacted*, That the clerks and operators actually engaged in the transmission of intelligence, at the several Telegraph Stations of said company, shall be, and they are hereby exempt from the performance of any military and patrol duty.

Public act.

SEC. 13. *Be it enacted*, That service of process shall be legal and valid on said corporation, if the same shall be left at the office of the company within any district of this State; provided the president of the company is ab-

sent from and beyond the limits of said district. This act shall be deemed a public act.

JORDAN STOKES,  
*Speaker of the House of Representatives.*

M. R. HILL,  
*Speaker of the Senate.*

Passed, February 26, 1852.

## CHAPTER CCCLXIV.

AN ACT to prescribe the mode of choosing Electors to vote for President and Vice President of the United States.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the qualified voters for the members of the General Assembly of the State, shall meet at their respective court houses, and other places appointed by law for holding elections in each and every county, on the first Tuesday after the first Monday in November, 1852, and vote for twelve Electors of President and Vice President of the United States, as by the constitution and laws of this State, they are to vote, and that the county court of each and every county in this State, shall, and they are hereby required to appoint judges for every place of voting in their counties, all of whom shall be sworn to conduct said elections as herein required, at which elections, the same rules and regulations shall be observed by the several sheriffs, judges, clerks, coroners, voters and others, as are now required by law, in electing members of the General Assembly.

Who to vote  
for Electors,

SEC. 2. *Be it enacted,* That each Congressional district in this State shall make an electoral district, and that one elector shall reside in each of said districts.

Congressional  
Districts to be  
electoral districts

SEC. 3. *Be it enacted,* That there shall be two electors for the State, who may reside in any part of the State, and that any citizen, qualified by law to vote for members of the General Assembly, shall be qualified to vote for the whole number of electors to be resident as aforesaid, and the twelve persons aforesaid, receiving the highest number of votes in the whole State, shall be declared the Electors.

Electors for  
State at large.

SEC. 4. *Be it enacted,* That it shall be the duty of the sheriff or coroner, or other person or persons, as the

*Duty of returning officers.*

case may be, of the respective counties of this State, holding elections, to meet at the court house of the county in which they reside, on the day immediately succeeding said elections, and compare the votes polled for electors as aforesaid, and make out triplicate statements of the number of votes received by each person who may have been voted for as electors of President and Vice President of the United States, and deposite one of the statements, regularly certified by the officers holding said elections, in the office of the clerk of the county court, taking his receipt therefor, and deposite one copy in the post office, at the court house of the county where said elections may be held, directed to the Governor and Secretary of State, and to direct the other in the same way by the next mail immediately thereafter, and take receipt of the post master for the same, and any sheriff, coroner or other person or persons, as the case may be, failing to comply with the provisions of this act, shall forfeit and pay five hundred dollars, to be recovered by action of debt, by any person who may sue for the same, before any tribunal having cognizance thereof.

*Governor and Secretary to compare votes.*

SEC. 5. *Be it enacted*, That the Governor and Secretary of State, shall receive all the returns, made by the officers holding the elections, from the post office in Nashville, except such officers as may choose to make returns to the Governor and Secretary of State, in person, immediately thereafter, and the same shall be as valid as if transmitted by mail, as aforesaid; and it shall be the duty of the Governor and Secretary of State, as aforesaid, on receiving said returns of the respective officers of the State, holding said elections for President and Vice President, to compare the same; and upon ascertaining the twelve persons receiving the highest number of votes in the whole State, resident as aforesaid, to furnish each person with a certificate of his election, and cause the same to be published in at least one newspaper published at the following places, to wit, Nashville, Jackson and Knoxville.

SEC. 6. *Be it enacted*, That the several persons who shall be appointed to conduct the elections for Electors of President and Vice President of the United States shall be liable to the same penalties and forfeitures, as are provided by law for the regulation of elections in this State.

*Electors to fill vacancy.*

SEC. 7. *Be it enacted*, That each elector for President and Vice President of the United States, shall before the hour of twelve o'clock on the day next preceding the day fixed by law of Congress to elect a President and Vice President of the United States, give notice to

the Governor that he is at the seat of government, and ready at the proper time, to perform the duties of elector, and the governor shall forthwith deliver to the electors present, a certificate of all the names of the electors, and if, on examination thereof, it shall be found that one or more of said electors are absent, and shall fail to appear before 9 o'clock in the morning of the day of election of President and Vice President as aforesaid, the electors then present, shall immediately proceed to elect by ballot in the presence of the Governor, any qualified resident, citizen or citizens of the State, as the case may be, to fill such vacancy or vacancies as may have occurred through the non-attendance of any one or more of the electors.

SEC. 8. *Be it enacted*, That the electors so elected shall meet in the city of Nashville, on the first Wednesday in December 1852, and vote for President and Vice President of the United States, and make return thereof, agreeably to the laws of the United States, in that case made and provided, and each elector shall be allowed four dollars for every twenty-five miles he shall necessarily travel, in going to and returning from the seat of government, and four dollars per day whilst attending at the same as elector, for which the Governor may issue his warrant to the Treasurer of the State.

To meet in  
Nashville.

SEC. 9. *Be it enacted*, That the sheriff and coroner of each and every county of this State, shall advertise at the court house, and in each civil district of their respective counties, the day on which said election of electors of President and Vice President shall take place, at least sixty days before the time appointed for holding said election.

Election to be  
advertised.

SEC. 10. *Be it enacted*, That the qualified voters resident within any new county or counties, established by the present General Assembly; shall vote in the counties from which they have been detached, respectively during the present session of the General Assembly.

New counties.

SEC. 11. *Be it enacted*, That it shall be the duty of the sheriff, coroner, or other person holding said election, to appoint two clerks at each place of holding said election, in their respective counties, who shall take the same oath, as is provided by the laws of this State to be taken by clerks holding elections, and if the county court shall neglect or omit to appoint judges to hold said election, as provided in this act, it shall be the duty of the sheriff, or other officer holding said election, to appoint judges, out of the by-standers at said election, to hold the same.

Judges of elec-  
tions.

SEC. 12. *Be it enacted*, That the provisions of this act shall remain in force for ten years.

JORDAN STOKES,

*Speaker of the House of Representatives.*

M. R. HILL,

*Speaker of the Senate.*

Passed, February 27, 1852.

## CHAPTER CCCLXV.

AN ACT to regulate Chancery Practice, and to expedite the hearing of causes in Chancery Courts.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That when the subpoena is returnable to the term, and has been served five days before the sitting of the court, the defendant, unless allowed further time by the court, shall file his plea, demurrer, or answer, within the first three days of the term, otherwise the bill or petition may be taken for confessed, and set for hearing at the term of the court to which the subpoena is returnable, or the plaintiff may proceed by process of contempt.

Each day of the term, rule day.

SEC. 2. *Be it enacted*, That each day of the terms of the chancery court shall be, and is hereby made and constituted a rule day of said court, and all rules made and taken on any such days by order of the court, or the clerk and master, shall have the same force and effect as if made and taken up on any of the rule days established by law.

On publication, defts. to answer in first three days of term.

SEC. 3. *Be it enacted*, That where non-residents, or absconding defendants, or those who conceal themselves from service of process, are made parties to any bill or petition filed in any of the circuit or chancery courts, and publication has been made for thirty days before the commencement of the first term of said courts after the filing of the bill or petition, and said defendants shall fail to appear, and demur, answer or plead to said suit within the first three days of the term, the same may be taken for confessed by complainants or petitioners, set for hearing and tried at the first term of the court after the filing of the bill or petition.

SEC. 4. *Be it enacted*, That upon filing an answer to any bill or petition, it shall be the duty of the clerk to

notify the solicitor of the complainant or petitioner of such fact, by letter or otherwise, and if the solicitor fails to except to the answer within twenty days, or to reply to the same in the time aforesaid, such cause shall stand for hearing at the first term of the court thereafter upon bill and answer. *Provided*, that the clerk and master shall have the power to extend the time to demur or reply, on good cause being shown on affidavit. To except in 20 days.

SEC. 5. *Be it enacted*, That where exceptions are filed to an answer and the same are allowed by the clerk and master, he shall immediately notify the defendant or his solicitor to file a sufficient answer within thirty days, and if he fail to appeal from the order of the master, or to file a sufficient answer in the time aforesaid, the bill or petition shall be taken *pro confesso*, and stand for trial at the first term of the court thereafter. Exceptions to answer allowed.

SEC. 6. *Be it enacted*, That where an answer is excepted to, and the clerk and master shall disallow the exceptions, or where he allows the exceptions, and the defendant files a sufficient answer to the bill or petition, the clerk shall notify the solicitor of the complainant or petitioner of the same, by letter or otherwise, and if he fail to appeal from the decision of the master or to file a replication within thirty days after he is so notified, the cause shall stand for trial at the first term of the court thereafter upon bill and answer. And the clerk and master shall have the power to extend the time as provided in the fourth section of this act.

SEC. 7. *Be it enacted*, That multifariousness shall not be a sufficient cause for the dismissal of a bill in equity, unless an objection is made by demurrer, and the court of chancery where a demurrer is filed in such causes, may, after the demurrer is argued, authorize any amendment or amendments by the addition of parties or otherwise, or by directing separate bills to be filed without new process as to the parties before the court, and the uniting in one bill of several matters of equity distinct and unconnected against one defendant, shall not be deemed multifariousness. Multifariousness.

SEC. 8. *Be it enacted*, That writs of *scire facias*, or *Scire Facias*, &c. notices to revive suits, may be issued by the clerk at any time, returnable to the first Monday in every month, and bills of revivor amended, and supplemental bills may be filed at any time in the clerk's office, and suits may be revived at a rule day.

SEC. 9. *Be it enacted*, That where an answer is filed to a bill in equity, it shall be a waiver to any objection. Filing answer, a waiver of jurisdiction.

Jury trial.

tion to the jurisdiction of the court, and although the matter complained of is, in the opinion of the court, a matter of legal jurisdiction, the chancellor shall decree relief according to law without dismissing the bill, and in case of any dispute as to the matter of fact, either party shall be entitled, upon application, to a trial by jury.

Fraudulent conveyance.

SEC. 10. *Be it enacted*, That where a conveyance is made by a debtor, of property, either real, personal, or mixed, of any description, to which the title was legal or equitable, for the purpose of hindering, delaying or defrauding his just creditors, it shall not be necessary for a creditor to obtain a judgment, or judgment and execution, before he can file a bill to set aside such fraudulent conveyance. Any *bona fide* creditor, for himself, or as well for himself as for other *bona fide* creditors, may file a bill to set aside such conveyances, and to have the property sold and appropriated to the payment of the debt; and if the validity or amount of the debt is denied by the defendant debtor, the same shall be ascertained, if required by said defendant, by a jury or by reference to the clerk and master. And upon filing such bill, the chancellor or circuit judge shall have power to order writs of attachment and injunction to issue, upon complainant's giving bond and security in such sum as the chancellor or circuit judge may order, conditioned to comply with the orders and decrees of the court, and to pay such damages as may be awarded for wrongfully suing out the attachment or injunction, and if the bill is filed by one creditor for himself and others, the other creditors may be made parties at any time before final decree, and have their claims before the clerk and master. And the court shall have the same power and jurisdiction to set aside fraudulent conveyances in such causes, and to subject the property to sale for the payment of *bona fide* debts, as if the creditor or creditors had obtained judgment and execution. In no case shall the statute of limitations be held to commence running in favor of a fraudulent or voluntary possessor, until the creditor to be affected thereby, has a right to action to test the validity of said conveyance.

C. & M. may take depositions.

SEC. 11. *Be it enacted*, That every clerk and master of the court of chancery shall have the same power and authority to take depositions in all causes, either at law or equity, as judges or justices of the peace now have, and the same fee shall be allowed for such service to the clerk as is now allowed by law to justices of the peace. *Provided*, that the act of 1843, chapter 29, be so amended that hereafter writs of attachment may be

issued in all cases under said act, by the clerks of the circuit and chancery courts in which the suit is pending, <sup>Attachments.</sup> or in which the creditor or other person entitled to sue, desires to commence suit; provided also the proper affidavit for such attachment shall be made before said clerk; and provided further, the proper bond and security be also taken by said clerk before the issuance of such attachment.

SEC. 12. *Be it enacted*, That the provision in the second section of the act of the 8th December, 1843, ch. 29, in relation to bonds given on the replevy of the property attached, shall extend to all judicial and original attachments, and to all cases where attachments are authorized by law. <sup>Replevy bonds.</sup>

SEC. 13. *Be it enacted*, That the fees to the clerks of the chancery courts, clerks of the circuit and county courts, and special commissioners appointed under the decree of the said courts to sell real or personal estate, shall be as follows: where the amount of sales is more than ten thousand dollars, the courts may make a reasonable allowance, not exceeding one per cent. on the whole amount of sales. <sup>Clerks or Commissioners fees on sales.</sup>

SEC. 14. *Be it enacted*, That the chancellors of the several districts shall each have authority to make rules and regulations for the government of chancery practice not inconsistent with this act and the other statutes for the purpose of expediting the hearing of causes. <sup>Chancellors may make rules.</sup>

SEC. 15. *Be it enacted*, That any party to a suit in the chancery court may have the testimony of either of the other parties taken in the same way as he is entitled to the testimony of other persons, and may have the usual process to compel their attendance. And it is further enacted that the *pro confesso* mentioned in the seventh line of the fifth section, refers to and embraces so much of the bill as is not already sufficiently answered. <sup>Testimony of party.</sup>

SEC. 16. *Be it enacted*, That all laws and rules now in force, inconsistent with the provisions of this act, be and the same are hereby repealed.

SEC. 17. *Be it enacted*, That this act shall take effect from and after the first day of September next.

JORDAN STOKES,

*Speaker of the House of Representatives.*

M. R. HILL,

*Speaker of the Senate.*

Passed, February 27, 1852.

## CHAPTER CCCLXVI.

AN ACT to legalize the proceedings in courts of justice and the official acts of all officers, judicial and ministerial in the county of Lewis, and all counties now organized, but that may hereafter be dissolved, either by the act of the legislature or by the judgment or decree of any court of competent jurisdiction.

WHEREAS, in pursuance of an act of the General Assembly at its regular session of 1843-4, entitled "an act to establish the county of Lewis, to perpetuate the name and public services of General Merriwether Lewis," a county formed of parts of the counties of Maury, Hickman, Wayne and Lawrence, was established by the name of Lewis county, and in pursuance of said act, said county was surveyed and organized; county and district officers were elected, commissioned and duly sworn, and entered upon the duties of their respective offices; circuit and county courts were regularly held for said county, at places designated by acts of the General Assembly; suits and other proceedings were instituted in said courts, and judgments were rendered and decrees pronounced in said circuit courts, and warrants, and other proceedings were issued by justices of the peace for said county, and judgments rendered by them in civil and criminal cases; executions were issued from said courts and by said justices of the peace, and levied by the proper officers, and property, both real and personal, was sold by virtue of said executions, and for real estate, deeds were executed by the sheriff of said county; marriage licenses were issued by the clerk of the county court, and marriages were solemnized by ministers of the gospel and justices of the peace under their authority; deeds and other instruments of writing were proven and registered in said county; wills were admitted to probate, and administration of intestates estates were granted in said county court, and letters testamentary and letters of administration issued; guardians were appointed and settlements made with executors, administrators and guardians, and other proceedings were had in said circuit and county courts, and before said justices of the peace, and other acts were done and performed by the ministerial officers of said county.

AND WHEREAS, at the December term, 1851, of the Supreme Court of Tennessee, sitting at Nashville, by a decree pronounced in said court, in a cause pending therein of Maury county complainant versus Lewis county defendant, it was determined by said court that the commissioners appointed to run the boundary lines of said Lewis county did not comply with the provisions of said act of 1843-4, but on the contrary there-

of, infringed upon the constitutional area of Maury county, by reducing the territory of said Maury county below six hundred and twenty-five square miles, and also by approaching the county seat of Maury nearer than twelve miles; and that the running of said line was therefore illegal and void, and conferred no authority upon said Lewis county to take possession of or exercise jurisdiction over the portion of territory so taken off from said county of Maury, or any part thereof.

AND WHEREAS, the court house and other public buildings erected by said Lewis county are within the territory of Maury county, and a very large portion of the population of said county of Lewis reside within the territory of Maury county.

AND WHEREAS ALSO, great inconvenience and injury may arise in consequence of the premises to those interested in the proceedings herein before mentioned, for remedy whereof:

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That all judgments, decrees and orders of the courts and of justices of the peace of said county of Lewis; all levies and sales regularly made by virtue of executions or orders of sale issued from the justices of the peace or courts of said county or other courts of the State; all sales made by the clerk and master of any court, or by any commissioner appointed for that purpose and confirmed by the court; all marriages solemnized by virtue of licenses issued by the clerk of the county court; all probates and registration of deeds and other instruments of writing; all probates and record or registration of wills; all appointments of executors, administrators and guardians, and settlements regularly made with them or any of them, and all other proceedings in the said courts in the said county of Lewis, and by the justices of the peace thereof, and the official acts of all officers, of all kinds and description whatever, regularly done and performed by them in said county, be, and the same are hereby made legal and valid, as fully and completely as if said county of Lewis had had full and complete jurisdiction over the territory aforesaid, and had also been legally and constitutionally organized and established, but no further or otherwise.

Decrees, judgments &c., legalized.

SEC. 2. *Be it further enacted*, That the clerks of the circuit and county courts of said county, shall deliver over to the clerks of the circuit and county courts of Maury county, the original papers in all cases which were pending in the said county of Lewis, at the date

Original causes to be transferred

of the decree mentioned in the preamble to this act, and in which the defendant is a resident of Maury county; and the courts of Maury county shall have the same jurisdiction of said causes as if they had been originally commenced in the court of said Maury county.

**SEC. 3.** *Be it further enacted,* That it shall be the duty of the clerk of the circuit court of said Maury county to issue executions upon all judgments rendered by the circuit court of Lewis county, which remains unsatisfied, and in which the defendant is a resident of Maury county, for which purpose the clerk of the circuit court, of Lewis county, shall allow to the clerk of the circuit court of Maury, the record books in his possession, or he may certify a copy thereof under his hand and private seal, and said copy thus certified, shall be sufficient to authorize the clerk of the circuit court of Maury county to issue an execution, and the executions so issued by the clerk of the circuit court of Maury, shall have the same force and effect, as if they were predicated upon judgments rendered by the circuit court of Maury county.

**SEC. 4.** *Be it further enacted,* That the justices of the peace residing within the fraction of Maury county, over which the county of Lewis has exercised jurisdiction, shall deliver over all their books and papers appertaining to their office, to the justices of the peace for the county of Maury residing nearest to them, and the justice of the peace to whom said papers are so delivered, shall have power to proceed by virtue thereof in the same manner, and to the same extent, as if said papers originally belonged to his office. *Provided however,* That no papers shall be so delivered over unless the defendant in the cause is now or was at the time of the issuance of the warrant a resident of the county of Maury.

**SEC. 5.** *Be it further enacted,* That if said Lewis county shall be discontinued from any cause whatever, the provisions of this act, and every part thereof, shall extend to, and be deemed applicable to the other fractions of counties forming the county of Lewis, and the counties from which those fractions were taken.

**SEC. 6.** *Be it further enacted,* That the provisions of this act shall extend to all counties in this State that are now organized, but which may hereafter be dissolved, and the mode hereby enacted for the resumption of jurisdiction by the county of Maury, shall be pursued by other counties resuming jurisdiction over territory and population which may have been illegally or unconstitutionally taken from them.

Clerk of Maury  
circuit court to  
issue executions.

Justices of Lewis  
to hand over pa-  
pers to nearest  
justices of Maury

Fractions of other  
counties.

These provisions  
to extend to all  
other counties.

SEC. 7. *Be it further enacted*, That all fees due to any of the officers of said county shall be taxed in the bills of costs on executions issued upon any judgment rendered in said Lewis county, and the same shall be collected and paid over to them; and for their non-collection or non-payment, they shall have all the remedies that other officers have who are entitled to costs, under the laws of this State; and the clerks of the circuit and county courts, of said Lewis county, and the register of said county, are hereby authorized and directed to furnish copies of all records and proceedings in their respective courts and offices, and certify the same under their hands and private seal, which copies, thus certified, shall be evidence and have the same force and effect as records certified by the clerks of the several courts of this State, and registers of the counties; for which said copies, thus certified, said clerks shall receive the same compensation now allowed by law to other clerks. Fees of officers.

SEC. 8. *Be it further enacted*, That all collecting officers shall pay over the money by them collected to those entitled to the same, and make return of all processes to the several persons and offices from which they issued, and for all neglects or failures of duty they shall be liable to all the remedies and penalties now prescribed by law, for such defaults and neglects of duty against the collecting officers of the State, before any jurisdiction having cognizance thereof. Collecting officers.

9. *Be it further enacted*, That all deeds and other papers which may be, or are by law required to be registered, for property lying and being within said territory of Maury county, may be certified to the register of said Maury county, for which he shall have the usual fees, and the same may be registered in the register's office of said Maury county, and when so registered shall be received as evidence in any court of law or equity in this State, in the same manner as if the same had been originally registered in said Maury county, and the provisions of this section shall apply to the other fractions of said Lewis county, provided the said Lewis county shall be discontinued or returned to the counties from which said fractions were taken. Registration of deeds.

JORDAN STOKES,

*Speaker of the House of Representatives.*

M. R. HILL,

*Speaker of the Senate.*

Passed, January 30, 1852.

## CHAPTER CCCLXVII.

AN ACT to change the line between the counties of Hardin and Decatur, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the lines between the counties of Hardin and Decatur be changed as follows, to wit: Beginning at a point where the counties of Henderson, Hardin and Decatur join, running from thence with the Hardin county line to Doe creek; thence down said creek to the Tennessee river; thence down said river to the south boundary line of Decatur county, and that all that part of Hardin county contained within the lines as herein designated, and situated north and west of the Tennessee river, and below Doe creek, be attached to the county of Decatur, and that all persons living within said bounds shall be entitled to all the rights and privileges, and subject to all the liabilities of other citizens of said county of Decatur, provided it does not reduce the county of Hardin below her constitutional limits of six hundred and twenty-five square miles, and in order to ascertain that fact it shall be the duty of the county court of the county of Hardin, whenever the county court of the county of Decatur or the petitioners residing within the strip of the county of Hardin, who have petitioned to be annexed to the county of Decatur, shall have furnished to the county court of the county of Hardin, the money or means wherewith to survey the county of Hardin, to appoint a competent surveyor of the county of Hardin, whose duty it shall be to survey said county of Hardin, and make a plat thereof, which plat and survey, when made, shall be by said surveyor laid before the county courts of the counties of Hardin and Decatur. *Provided further*, This act shall not take effect until said survey, showing it does not infringe on the constitutional rights of the county of Hardin.

SEC. 2. *Be it further enacted*, That the boundaries of Lewis county, be, and they are hereby established, as follows: Beginning at the north-west corner of Lawrence county, as run by Frierson and afterwards by Ross, and run with the line, dividing the second and third sections, north  $84\frac{1}{2}^{\circ}$  east, 12 miles and 34 poles to a large post oak, on the old Lawrence county line, marked, L. C. C. & E. C. F.; then north 78 poles; then east 160 poles; then north  $60^{\circ}$  east, leaving David Lindsey to the north, 400 poles to Patterson's line; then north  $5\frac{1}{2}^{\circ}$  west, with said line, 460 poles; then east 460 poles to the range line east of William B. Smith's; then north

Boundaries of  
Lewis county.

415 poles to the north-west corner of entry No. 909, in the name of Elijah Ray; then east 320 poles; then north  $12^{\circ}$  west, leaving James Beekman, Caleb S. Williams and William Ephland to the west 370 poles to the north-east corner of a 34 acre tract of land, entered in the name of Mark Grimes; then north,  $54^{\circ}$  west, 395 poles to the north-east corner of entry No. 295, in the name of Wm. Williams; then west, crossing Patterson's line at two miles and 50 poles, in all 1445 poles to the line between George Vincent, sen., and Jesse Sims; then north 490 poles to a stake in Henry Mayfield's entry; then east 350 poles to George Vincent's, jr., south-east corner; then north 195 poles to his north-east corner; then west 250 poles; then north 345 poles to the north boundary line of West and Akin's large entry; then east 590 poles to John A. Johnston's east boundary line, 30 poles east of Patterson's line; then north,  $35^{\circ}$  east, 240 poles to the south-east corner of William Rickett's 15 acre tract; then north 50 poles to his north-east corner; then north,  $32^{\circ}$  west, 265 poles to Joseph Peyton's, sen., north-east corner; then west 60 poles to the Patterson line; then with said line north,  $5\frac{1}{2}^{\circ}$  west, two miles and 50 poles to Thomas S. Patton's south boundary line; then east 100 poles to his south-east corner; then north 190 poles to his corner; then west 118 poles to Patterson's line; then north-westwardly to the Hickman county line; then with the present boundaries of Lewis county to the beginning.

SEC. 3. *Be it further enacted*, That Albert G. Cooper, Robert O. Smith; W. H. Flannegan, John S. Hunter and George Nixon, be, and they are hereby appointed commissioners to run the unascertained boundary from the Patterson line, northwestwardly to the Hickman county line, and to designate and mark the line as set forth in the preceding section, wherever it may be necessary; and for this purpose, they are authorized to employ competent surveyors: they will see that the Lewis county line does not approach the county seat of Maury county nearer than twelve miles, and they are empowered to make any change in the boundaries above given, that may be necessary to ensure this object, and they will run the unascertained line, so as to leave to Maury county her constitutional area of territory.

Commissioners  
to run line.

SEC. 4. *Be it further enacted*, That it shall be the duty of the commissioners, as soon as the said line has been run according to the provisions of the foregoing section, after giving ten days notice, at two or more public places in said fraction, of the time and place to open

Qualified voters,

and hold an election in the fraction of Maury county proposed to be taken from said county, for the purpose of ascertaining whether a majority of the voters residing in said fraction are in favor of or opposed to said change, and all persons qualified to vote for members of the General Assembly, who have resided in the fraction aforesaid six months immediately preceding the day of voting, shall be entitled to vote, and each voter who desires to vote for the change, shall have on his ticket the words Lewis county, and those opposed to the change shall have on their tickets the words Maury county; and if upon counting the ballots the judges of the polls shall return, that a majority have voted for the change, then the said fraction cut off by said line from Maury county, shall become a part of the county of Lewis, and the jurisdiction of said county is extended over said fraction.

Powers of  
Commissioners.

SEC. 5. *Be it further enacted*, That all the provisions of the act, passed on the 21st December, 1843, chap. 38, entitled "an act to establish the county of Lewis," remain in full force and effect, except so far as its provisions may be altered or interfered with by this act, and that the commissioners hereby appointed, have all the power and authority conferred upon the commissioners appointed by said act, and that they proceed to do all other acts necessary and proper for the complete organization of said county of Lewis, in accordance with the provisions of that and the present act, and this act shall be in force from and after its passage.

SEC. 6. *Be it further enacted*, That should the jurisdiction of Lewis county be lawfully extended over any portion of the territory embraced within the lines run by the commissioners under the act of 1843, no transfer, as hereinbefore provided, of the official acts and judicial proceedings of said county of Lewis need be made to the counties whence such territory was taken, but such official acts and judicial proceedings shall be held valid to all intents and purposes, and the books, papers and proceedings of the several courts and officers of said territory so again embraced in Lewis county, shall be handed over to the corresponding duly elected officers of Lewis county, in said territory, to be proceeded with as if the original organization of said county had been good and valid.

County seat.

SEC. 7. *Be it enacted*, That so soon as the line between the counties of Maury and Lewis shall be established, agreeable to the provisions of this act, the county seat of Lewis shall be, and is hereby established permanently at Newburg.

SEC. 8. *Be it further enacted*, That until the county seat of Lewis is established as provided for in this act, the county and circuit courts shall be held at the place known as Jo. Smith's old place.

SEC. 9. *Be it further enacted*, That the sheriff of Maury Deputy sheriff of Maury county. county, is hereby authorized to appoint one additional deputy.

JORDAN STOKES,  
*Speaker of the House of Representatives.*  
M. B. HILL,  
*Speaker of the Senate.*

Passed, February 4. 1852.

## CHAPTER CCCLXVIII.

AN ACT to charter the Cumberland and Huntsville Railroad Company, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State Tennessee*, That a body politic and corporate is hereby constituted, by the name and style of the Incorporation. Cumberland and Huntsville Railroad Company, for the purpose of constructing a railroad from Huntsville, in the State of Alabama, to connect with the South Western Railroad, or with the McMinnville and Manchester Railroad; and said company shall have and enjoy all the rights, powers and privileges, and be subject to all the liabilities and restrictions prescribed in the charter of the South Western Railroad Company, except as herein further provided.

SEC. 2. *Be it enacted*, That the capital stock of said Capital stock. company shall be two hundred thousand dollars, to be divided into shares of twenty-five dollars each, and the company shall have power to increase the capital stock to two millions of dollars, and whenever one thousand shares of capital stock are subscribed for, said company may organize by the election of a board of directors, who shall elect a president from their number.

SEC. 3. *Be it enacted*, That James Fulton, John M. Bright, William Moore, of Lincoln county; William Commissioners. Taylor, sen., Joseph Smith, sen., James Grizzard, of Franklin county; W. P. Hickman, T. A. Anderson, R. Lassater, Massy Hill, B. T. Hollins, sen., of Coffee county; G. Stroud, William C. Smart, S. D. Rowan and Washington Britton, of Warren county, be and they are hereby constituted a board of commissioners, seven

of whom may act, to manage all the affairs of said company until it shall be organized by the election of a board of directors, to procure the subscription of stock, by the appointment of an agent or agents for that purpose, or in such manner as they may deem best, to provide for the experimental surveys of routes, and for payment thereof, as provided for in the charter of the South Western Railroad Company.

**Route of Road.**

Sec. 4. *Be it enacted*, That in the location of the Cumberland and Huntsville Railroad, it shall be located on the most practicable route from Huntsville through the counties of Lincoln, Franklin and Coffee, so as to intersect with the Nashville and Chattanooga Railroad, in the county of Coffee; thence to connect with the South Western Railroad or with the McMinnville and Manchester Railroad; and after the capital stock of said company shall have been subscribed, the president and directors thereof shall be authorized to construct said road from such point on the Nashville and Chattanooga Railroad, in the county of Coffee, as may be selected by them, to the Alabama line, on the route from Huntsville through the counties aforesaid, as designated in this section, and to complete the construction of said road through the counties of Tennessee, in which it may be located in compliance with the provisions of its charter.

Sec. 5. *Be it further enacted*, That unless the Louisville and Nashville Railroad, and the Nashville and Cincinnati Railroad Companies, or either of them, shall accept the provisions of an act, passed by the present General Assembly, entitled "an act to establish a system of Internal Improvements in this State," and signify such acceptance to the Governor of this State on or before the first day of January, 1853, then the provisions of said act, relative to said railroad companies or either of them, shall be transferred and extended to the Bowling Green and Tennessee Railroad Company.

JORDAN STOKES,

*Speaker of the House of Representatives.*

M. R. HILL,

*Speaker of the Senate.*

Passed, February 27, 1852.

## CHAPTER CCCLXIX.

AN ACT to release the penalty of Five Hundred Dollars to those who have violated the 15th and 16th sections of the act of 1835, chap. 13.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That in all cases where a penalty or forfeiture to the State shall have been incurred, under the 15th section of the act of 1835, chapter 13, it shall be lawful for the party incurring said penalty or forfeiture, to make application, by petition, on oath, to the court in which any suit may be pending, (either at law or equity,) touching said penalty or forfeiture, and if the court shall be satisfied that no wilful violation was committed, or that there was no evasion of the revenue laws of this State, intended by said party, it shall be lawful for said court to release said party from the payment of said penalty, or forfeiture. *Provided,* however, that the party so liable shall first pay double tax to the State and County, for the year in which he may be in arrears, and shall also pay the cost of the suit or suits touching said penalty or forfeiture.

JORDAN STOKES,

*Speaker of the House of Representatives.*

M. R. HILL,

*Speaker of the Senate.*

Passed, February 26, 1852.

CHAPTER CCLIX—*Laws of 1831.*

AN ACT to incorporate a company for opening a turnpike road from Nashville to the top of the ridge about one mile from Elijah Robertson's, in a direction from Nashville via Charlotte, to the Western District, and for other purposes.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Tennessee,* That Stephen Cantrell, M. Barrow, Philip Shute, Joseph T. Elliston, William E. Watkins, M. Bell, Charles I. Love, Jos. Meek, Brent Spence, Andrew Hynes, George Crockett, William Lytle, Elijah Robertson and R. B. Turner, be, and they are hereby appointed commissioners for the purpose of receiving subscriptions to the amount of sixty thousand dollars, to be applied to making a turnpike road from the town of Nashville to the top of the ridge, one mile beyond Elijah Robertson's, in a direction to the Western District via Charlotte, which sum of sixty thousand dollars shall be divided in sums of fifty dollars each.

**SEC. 2.** *Be it enacted,* That the said company shall be governed by the same rules, regulations, and enjoy the same privileges and advantages as prescribed in an act entitled "an act to incorporate a company for opening a turnpike road from Nashville to Murfreesborough," passed January 4th, 1830, and said road shall in all respects be made in the same manner as described in the 3d section of said act.

**SEC. 3.** *Be it enacted,* That the said company shall be allowed four years from and after the passage of this act to complete the same.

**SEC. 4.** *Be it enacted,* That as soon as five miles of said road is completed next to Nashville, the said company may have permission to erect a gate, and receive the same rates of toll allowed in the above recited act. *Provided,* That not more than two gates shall be erected on said road.

**SEC. 5.** *Be it enacted,* That an act entitled "an act to incorporate a company for opening a turnpike road from the Nashville bridge to the top of the ridge at or near Shannon's, on the Russellville and Clarksville roads," passed at Nashville, in 1829, be and the same is hereby revived and continued in force for the same time and upon the same terms as is provided in the said act which this is intended to revive.

F. W. HULING,

*Speaker of the House of Representatives.*  
BURCHET DOUGLASS,

*Speaker of the Senate.*

December 20, 1831.

## CHAPTER CCCLXX.

**AN ACT** to defray the expenses of the General Assembly of the State of Tennessee, with the report of the Committee on Finance annexed.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Tennessee,* That the Comptroller of the Treasury issue his warrant to each member of the Senate and House of Representatives, for the sum stated to be due to each in the annexed report of the Committee on Finance.

**SEC. 2.** *Be it enacted,* That the Comptroller issue to the officers of the Senate and House of Representatives, warrants for the following sums due them for services rendered, viz:

To H. H. Harrison, eight hundred and eighty-eight dollars, for one hundred and forty-eight days services as principal clerk of the Senate.

To Charles E. Ready, eight hundred and eighty-two dollars, for one hundred and forty-seven days services as engrossing clerk of the Senate.

To J. C. Lane, five hundred and ninety-two dollars for one hundred and forty-eight days services as door-keeper of the Senate.

To John H. Leuty, eight hundred and eighty-eight dollars, for one hundred and forty-eight days services as principal clerk of the House of Representatives.

To R. B. Cheatham, eight hundred and eighty-two dollars, for one hundred and forty-seven days services, as engrossing clerk of the House of Representatives.

To P. M. Senter, eight hundred and seven-six dollars, for one hundred and forty-six days services as second assistant clerk of the House of Representatives.

To G. W. Turk, five hundred and eighty dollars, for one hundred and forty-five days services as principal door keeper of the House of Representatives,

To W. H. Fewell, five hundred and seventy-six dollars, for one hundred and forty-four days services as assistant door keeper of the House of Representatives, and three dollars and fifty cents paid for wood.

To William Rockwood, four hundred and forty-one dollars, for one hundred and forty-seven days service as messenger of the Senate.

To A. C. Norvell, for eighteen dollars, for three days service in organizing the Senate.

To E. G. Eastman, for forty-eight dollars, for eight days services as clerk, while the House was being organized.

To John Wallace, for twelve dollars, for three days service as principal door keeper; and to A. Hill, for

sixteen dollars, as assistant door keeper, while the House was being organized.

SEC. 3. *Be it enacted*, That the Comptroller of the Treasury examine the accounts of Messrs. Bang & McKennie, public printers for job printing and all other printing for the use of the General Assembly, and issue his warrant for the same according to the rates specified by law, and that the Treasurer pay the same out of any monies in the treasury, not otherwise appropriated.

SEC. 4. *Be it enacted*, That the principal clerks of the Senate and House of Representatives, shall remain a sufficient time after the adjournment, to file the papers of the two Houses properly in the office of the Secretary of State, and close their business before they shall be allowed to draw their compensation, and that the clerks of the Senate and House of Representatives shall be allowed each, thirty cents per page, for copying the unfinished journal, and that the Comptroller issue his warrant for the same.

SEC. 5. *Be it enacted*, That the Secretary of State cause the Acts and Journals of the present General Assembly to be distributed, and that in doing so, he make the best contract practicable for the interest of the State, and that the Comptroller issue his warrant upon the certificate of the Secretary of State, for the sum or sums required for said service.

SEC. 6. *Be it enacted*, That the Comptroller issue his warrant to W. & R. Freeman, for eight dollars and seventy-four cents, for articles furnished the Senate chamber.

SEC. 7. *Be it enacted*, That the Comptroller issue his warrant to Charles W. Smith, for forty dollars, for ten copies of the Statute Laws furnished the State.

SEC. 8. *Be it enacted*, That the Comptroller issue his warrant to Thompson & Co., for one dollar and eighty cents, for curtains furnished the Senate chamber.

SEC. 9. *Be it enacted*, That the Comptroller issue his warrant to Maxey, McClure & Co., for three dollars and fifty cents, for articles furnished the General Assembly.

SEC. 10. *Be it enacted*, That the Comptroller issue his warrant to Brown & Hopkins, for forty-eight dollars, for three dozen chairs furnished the present General Assembly.

SEC. 11. *Be it enacted*, That the Comptroller issue his warrant to Greenfield & Currey, for twenty dollars and fifty cents, for tables and chairs.

SEC. 12. *Be it enacted*, That the Comptroller issue his

warrant to W. & T. H. Greenfield & Co., for fifty-seven dollars and fifty cents, for chairs furnished the General Assembly.

SEC. 13. *Be it enacted*, That the Comptroller issue his warrant to Charles W. Smith, for three hundred and forty-five dollars and thirty-two cents, for stationery furnished the Senate.

SEC. 14. *Be it enacted*, That the Comptroller issue his warrant and pay the several publishers of the city newspapers for papers furnished the General Assembly and laid upon the table of each member every morning of the session, at the current subscription price of the same.

SEC. 15. *Be it enacted*, That the Comptroller issue his warrant to the principal clerks of the Senate and House of Representatives, for one hundred dollars, for preparing index to House journal, and one hundred dollars for preparing index to journal, of the Senate of the present session of the Legislature.

SEC. 16. *Be it enacted*, That the Comptroller of the Treasury audit the account of Abraham Greer, upon the affidavit of the said Greer, for wood furnished for the legislative halls at three dollars and forty cents per cord, the price contracted to be paid. *Provided*, The sum already advanced on said account shall be deducted.

SEC. 17. *Be it enacted*, That the Comptroller issue his warrant to J. C. Lane, for twenty-nine dollars and sixty cents, for furnishing both houses of the General Assembly with water, and also twelve dollars and fifty cents for stationery furnished the Senate.

SEC. 18. *Be it enacted*, That the Comptroller issue his warrant to W. T. Berry & Co., for twelve hundred and thirty-eight dollars and thirty-six cents, for stationery and candles furnished the House of Representatives.

SEC. 19. *Be it enacted*, That the Comptroller issue his warrant to John M. Morrill, for twelve dollars for two days services as clerk in organizing the house; and also to H. M'D. McElrath, for eighteen dollars for three days services as clerk in organizing the Senate.

SEC. 20. *Be it enacted*, That hereafter each member of the Tennessee Legislature shall procure his own stationery, and the legislature shall not appropriate more than five dollars to each member for the payment of the same.

SEC. 21. *Be it further enacted*, That the several clerks of the Legislature, shall each procure such stationery as they may respectively need for their several offices,

and the legislature shall make such appropriation as may be deemed necessary to pay for the same.

SEC. 22. *Be it further enacted*, That the principal door keeper shall purchase such articles as may be necessary for the discharge of his duties, and the legislature shall make such appropriation as may be deemed necessary to pay for the same.

SEC. 23. *Be it enacted*, That each one of the above officers, clerks and door keepers, shall keep and present to the legislature, an accurate account of all the articles which they may purchase with the prices therefor, before any allowance shall be made by the legislature to pay for the same.

SEC. 24. *Be it enacted*, That the Comptroller issue his warrant to the Speaker of the House of Representatives, for two hundred and twenty-two dollars, for one hundred and forty-eight days services of boy George, in attending on the House of Representatives.

SEC. 25. *Be it enacted*, That the Secretary of State cause one copy of the Acts and Journals of each House of the General Assembly, to be bound for each member of both houses, and the principal clerks in the same, and distributed with the acts and journals mentioned in the 5th section of this act.

SEC. 26. *Be it enacted*, That the Comptroller issue his warrant to the principal clerk of the House, for one hundred and eighteen dollars for clerk hire.

SEC. 27. *Be it enacted*, That the Comptroller issue his warrant to A. Dibrell, for two hundred dollars for his services as Common School Commissioner for the State, for the last two years.

SEC. 28. *Be it enacted*, That the Comptroller of the Treasury issue his warrant to M. R. Hill, speaker of the Senate, for two hundred and twenty-two dollars, for the services of the boy Thompson, for attending on the Senate.

SEC. 29. *Be it enacted*, That the Comptroller issue his warrant to John Frizzell, for one hundred and twenty dollars, for twenty days services as assistant clerk of the Senate.

SEC. 30. *Be it further enacted*, That the treasurer of the State of Tennessee, be and is hereby authorized to pay to James A. Whiteside, commissioner of the legislature of Tennessee, to the legislature of the State of Georgia, the per diem pay of a member of the legislature and mileage for the time he was engaged in the discharge of his duties as said commissioner.

SEC. 31. *Be it enacted*, That the Comptroller issue

his warrant to Greenfield, Curry & Co., for fifty cents, for fixing lock on drawer in Senate chamber.

Sec. 32. *Be it enacted*, That the Comptroller of the Treasury, be authorized and required to issue his warrant to Bang, McKennie & Co., for four thousand dollars in part payment for public printing for the present General Assembly, and their receipt shall be a sufficient voucher to him on a settlement of his accounts.

Sec. 33. *Be it enacted*, That the Comptroller of the Treasury issue his warrant on the Treasurer, in favor of the public printers, for printing one hundred copies of the memorial of this legislature to the legislature of Georgia, and also for printing      copies of the report of the judiciary committee on the subject of the reform of law, which printing is additional to that ordered by the Senate.

Sec. 34. *Be it enacted*, That the Comptroller is authorized and directed to issue his warrant to H. H. Harrison, principal clerk of the Senate, for eighteen dollars for extra clerk hire.

Sec. 35. *Be it enacted*, That the Comptroller issue his warrant to Charles W. Smith, for thirty-seven dollars and seventy cents, for stationery furnished the Senate, since the 17th of February, 1852.

Sec. 36. *Be it enacted*, That the Comptroller issue his warrant to A. Greer, for six dollars, for coal furnished the House at the last session of the General Assembly, and paid for by him.

Sec. 37. *Be it enacted*, That the Comptroller issue to W. T. Berry & Co., a warrant for twenty-nine dollars and seventy-five cents, for stationery, and cash paid for candles for the use of the House, since his former account was presented.

JORDAN STOKES,

*Speaker of the House of Representatives.*

M. R. HILL,

*Speaker of the Senate.*

Passed, February 27, 1852.

# REPORT

Of the Committee on Finance, showing mileage and per diem allowance of the members of the Senate and House of Representatives at the regular session of the twenty-ninth General Assembly, and the aggregate amount of each.

## SENATORS.

Names of Senators.	No. of Days.	Per diem allowance.	Miles traveled.	Amount of Mileage.	Total amount
Paulding Anderson,	148	592	60	9 60	601 60
John Ball,	"	"	558	89 28	681 28
H. Bradberry,	"	"	200	32 00	624 00
W. Carriger,	"	"	490	78 40	670 40
W. C. J. Burrus,	"	"	54	8 64	600 64
J. W. Carter,	"	"	170	27 20	619 20
R. F. Cook,	"	"	150	24 00	616 00
C. B. Davis,	"	"	106	16 96	608 96
W. P. Davis,	"	"	110	17 60	609 60
J. W. Deaderick,	"	"	600	96 00	688 00
Jacob Doyle,	"	"	350	56 00	648 00
James T. Dunlap,	"	"	220	35 20	627 20
W. C. Dunlap,	"	"	480	76 80	668 80
F. B. Fogg,	"	"			592 00
J. W. Gillespie,	"	"	270	43 20	635 20
Samuel McCammon,	"	"	400	64 00	668 00
Wm. McClain,	"	"	100	16 00	608 00
E. R. Osborne,	"	"	184	29 64	621 64
S. C. Pavatt,	"	"	170	27 20	619 20
J. A. Rogers,	"	"	350	56 00	648 00
J. C. Stark,	"	"	50	8 00	600 00
D. W. Tedford,	"	"	400	64 00	656 00
J. W. Wester,	"	"	320	51 20	643 20
J. W. Whitfield,	"	"	110	17 60	609 60
M. R. Hill, <i>Speaker</i> .	"	888	280	44 80	932 80

# HOUSE OF REPRESENTATIVES.

Names of Members,	No. of Days.	Per diem allowance.	Miles traveled.	Amount of Mileage.	Total amount
C. D. Anderson,	148	592	400	64 00	656 00
Jesse Aldridge,	"	"	176	28 16	620 16
J. D. C. Atkins,	"	"	220	35 20	627 20
A. L. Bains,	"	"	90	14 40	606 40
Thos. Barry,	"	"	48	7 68	599 68
H. R. Bate,	"	"	400	64 00	656 00
Joel A. Battle,	"	"			592 00
L. M. Bentley,	"	"	150	24 00	616 00
John Bowles,	"	"	226	36 16	628 16
R. B. Brabson,	"	"	300	48 00	640 00
R. M. Bugg,	"	"	118	18 68	610 88
Anderson Bratton,	"	"	100	16 00	609 00
Loyd Bullen,	"	"	550	88 00	680 00
B. Campbell,	"	"	582	93 12	685 12
David Campbell,	"	"	36	5 75	597 75
James B. Cook,	"	"	300	48 00	640 00
D. M. Currin,	"	"	480	76 80	668 80
F. M. Davis,	"	"	620	97 20	689 20
Thos. Dean,	"	"	126	20 16	612 16
Wilson Duggan,	"	"	475	76 00	668 00
R. Farquharson,	"	"	150	24 00	616 00
A. E. Ferguson,	"	"	340	54 40	646 40
R. Fowler,	"	"	106	16 96	608 96
M. Gore,	"	"	180	25 60	617 60
W. W. Greer,	"	"	490	78 40	670 40
J. C. Guild,	"	"	48	7 68	599 68
G. M. Hamilton,	"	"	250	40 00	632 00
F. Hardeman,	"	"	48	7 68	599 68
T. H. Hardin,	"	"	110	17 60	609 60
J. M. Havron,	"	"	228	36 48	628 48
A. Henry,	"	"	312	49 92	641 92
G. A. Henry,	"	"	90	14 40	606 40
R. Houston,	"	"			592 00
H. H. Hubbard,	"	"	456	72 96	664 96
G. C. Hurt,	"	"	236	36 80	628 80
O. F. Hendrick,	"	"	275	44 00	636 00
Alexander Jackson,	"	"	300	48 00	640 00
Alvis Kincaid,	"	"	450	72 00	664 00
F. H. Kimble,	"	"	200	32 00	624 00
M. B. King,	"	"	280	44 80	636 80

## HOUSE OF REPRESENTATIVES.

Names of Members.	No. of Days.	Per diem allowance.	Miles traveled.	Amount of Mileage.	Total amount
G. W. Mabry,	148	592	376	60 16	652 16
B. Martin,	"	"	88	14 08	606 08
R. W. McClary,	"	"	330	52 80	644 80
John McDaniel,	"	"	150	24 00	616 00
E. McDuffie,	"	"	336	53 76	645 76
John Meeks,	"	"	282	45 12	637 12
John L. Miller,	"	"	140	22 40	614 40
William A. Moody,	"	"	100	16 00	608 00
Jonathan Morris,	"	"	210	33 60	625 60
J. R. Mosby,	"	"	400	64 00	656 00
H. P. Murphy,	"	"	670	107 20	699 20
John Netherland,	"	"	532	85 12	677 12
J. B. Palmer,	"	"	60	9 60	601 60
Samuel Parker,	"	"	180	28 80	620 80
Edwin Polk,	"	"	340	54 40	646 40
William Phillips,	"	"	110	17 60	609 60
Levander Pope,	"	"	140	22 40	614 40
J. E. R. Ray,	"	"	260	41 60	633 60
J. W. Richardson,	"	"	46	7 36	599 36
S. W. Senter,	"	"	500	80 00	672 00
Thos. Shaw,	"	"	190	30 40	622 40
James M. Shied,	"	"	150	24 00	616 00
Cravens Sherrill,	"	"	250	40 00	632 00
J. M. Simpson,	"	"	120	19 20	611 20
W. M. Simpson,	"	"	280	44 80	636 80
John G. Stuart,	"	"	270	43 20	635 20
H. H. Stephens,	"	"	342	54 72	646 72
W. B. Stokes,	"	"	116	18 56	610 56
G. W. Telford,	"	"	584	93 44	685 44
R. E. Thompson,	"	"	63	10 08	602 08
David Whitaker,	"	"	350	56 00	648 00
M. B. Winchester,	"	"	480	76 80	668 80
W. H. Wisener,	"	"	110	17 60	609 60
W. Woodard,	"	"	50	8 00	600 00
Jordan Stokes, <i>Speaker.</i>	"	888	60	9 60	897 60

# MEMORIALS.

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## NUMBER I.

To the Senate and House of Representatives in the Congress of the United States assembled.

The General Assembly of the State of Tennessee, would respectfully bring to the favorable consideration of Congress, the condition of the United States Navy Yard, situate at the city of Memphis. They would refer Congress to the report of the proper officers of the expenditure of the appropriation made by Congress to effect this object. Your memorialists state, that much work has been done, but much remains to be done in order to complete the work. They would farther bring to the consideration of Congress, that when Tennessee relinquished to the General Government the jurisdiction over the territory upon which the Navy Yard is located, it was done with the assurance, and distinct understanding, that the General Government would there establish a navy depot, for the building and repairing of ships, and that Congress would make the necessary appropriations to effect this important object. Your memorialist would show, that Tennessee, being an interior State, has received but little of the advantages resulting from the construction of public works within her borders, and to withhold farther appropriation upon this work, would entirely defeat the original object of the government, and the work already finished would become dilapidated and useless to the country.

Your memorialists would, therefore, respectfully bring to your early consideration the propriety of making a sufficient appropriation to carry on and complete this important work, a public work, in the completion of which, the south and south-west feel a deep interest.

*Resolved, therefore, That the Governor of this State transmit a copy of this memorial to the Congress of the United States, and ask their favorable action thereon.*

JORDAN STOKES,  
*Speaker of the House of Representatives.*  
M. R. HILL,  
*Speaker of the Senate.*

Adopted, February 13, 1852.

## NUMBER II.

*Memorial to the Congress of the United States, in behalf of William Waldo, of Missouri.*

Your memorialists, the General Assembly of the State of Tennessee, would beg the attention of Congress to a subject of national import. Governments have ever regarded the heroic, generous deeds of individual citizens, as worthy of the highest commendation; and in Republics they should never go without their reward.

Advices through various channels, as well as the press in California and in the States, tell us of the deeds of humanity done by a citizen of Missouri in behalf of the suffering emigrants on the Plains, in the year 1850, which rival the philanthropy of any age. Your memorialist allude to the efforts of Captain William Waldo, in behalf of the emigrants who were sorely afflicted with famine and disease, on the latter part of the California trail. Citizens were found on that death trail from every State in the Union; the whole Union has been the recipient of Waldo's deeds of humanity, in the persons of citizens from every State.

And your memorialist asks, at the hands of the government, a reimbursement of his outlay, and a reward of his generous deeds of philanthropy. We ask that an officer of the government may be appointed to investigate and audit his claims, and that an appropriation may be made for his benefit, as the facts shall show him entitled to receive, and he also be rewarded for his humanity.

Your memorialist further suggests, whether bounty grants, of public domain, should not be made to the widows and orphans of those who perished on the

Plains in their efforts to extend civilization in our new possessions on the Pacific—Therefore,

*Be it resolved by the General Assembly of the State of Tennessee,* That our Senators and Representatives in Congress are requested to urge immediate action upon this memorial by both Houses of the National Legislature. And the Governor is respectfully requested to forward a copy of this memorial to each of our Senators and Representatives in Congress.

JORDAN STOKES,

*Speaker of the House of Representatives.*

M. R. HILL,

*Speaker of the Senate.*

Adopted, February 24, 1852.

### NUMBER III.

Memorial to the Congress of the United States in relation to bounty lands.

WHEREAS, it has been the settled policy of the Government of the United States to reward the soldiers who have served their country faithfully.

And whereas, the Congress of the United States, on the 28th September, 1850, passed an act, conceived in terms of munificence and liberality to those who had performed military service heretofore, and by the 1st section of said act, bounty land is only issued to the soldier, if living, or if dead, to his widow and minor heirs, by which provision large numbers of adult legal representatives of soldiers are deprived of the provisions of said act.

And whereas, in some instances, for want of a widow living, or minor heirs; and there being adult heirs, no bounty land issues under said act. By the provisions of the 9th section of the act of Congress, passed and approved 11th February, 1847, to raise recruits for Mexico, as construed by the Secretary of the Department of the Interior, a land warrant issues, first, to the soldier, if living; second, if dead to his widow and children indifferently and in common, without regard to minority or majority; third, if there be no widow or children, then to the father of such soldier; fourth, if there be no father, then to the mother of such soldier; and lastly, if there be none such, then to the brothers and sisters, whether of the whole or half-blood. This

act is in conformity with the statutes of descent and distribution. But under the provisions of the act of Congress, of the 28th September, 1850, it is arrested before it reaches the children of the deceased soldier, provided there be no minors.

And whereas, it cannot be questioned, that the provisions of said bounty land law should issue indifferently, at least, to all of the heirs of the deceased soldier, and that said bill was not passed by Congress until the decease of a large number of the ancestors of adult representatives, who endured all the privations of a military campaign; and were subject to the diseases incident to a camp life, often without rations, in common with those who have been the more fortunate recipients of the bounty land act of the 28th September, 1850.

And whereas, the State of Tennessee, from local position, and the military valor of her citizens, from time to time, has borne and performed a great portion of the military service of the United State, that the just claims of her citizens demand, that said act of September, 1850, should be so amended as to include all the children of deceased soldiers indifferently, whether adults or minors. Therefore,

*Be it Resolved by the General Assembly of the State of Tennessee,* That the first section of the act of Congress, of the 28th September, 1850, entitled "an act granting bounty land to certain officers and soldiers, who have been engaged in the military service of the United States," should be so amended as to include any and all of the children of a deceased soldier, whether minors or adults.

*Resolved,* That the Governor of this State furnish a copy of the foregoing preamble and resolution to each of our Senators and Representatives in Congress.

JORDAN STOKES,

*Speaker of the House of Representatives.*

M. R. HILL,

*Speaker of the Senate.*

Adopted, February 28, 1852.

## NUMBER IV.

*A Memorial of the Legislature of the State of Tennessee, to the Senate and House of Representatives of the Congress of the United States, respecting the Navy Yard at Memphis.*

Your memorialists would most respectfully represent, that by an act of Congress, passed and approved on the 15th day of June, 1844, a Navy Yard and Depot was established at Memphis; and the President of the United States was authorized to select and purchase a site for the same; and to erect such buildings, and make such improvements thereon as might be necessary for the construction and repair, the accommodation and supply of vessels of war of the United States; and was empowered to receive any donations of land, water rights, or rights of way, which the authorities of the city of Memphis, or any other body corporate, or persons might deem proper to make or grant to the Government of the United States, &c.; that the location of the Navy Yard was made at Memphis, after a full and critical examination of all the points proposed, in the west and south-west, on account of the superior merits of that place, over all others. And now, your memorialists would respectfully submit, that there is no reason for changing the preference which prompted the selection of that point.

Pursuant to, and relying upon, the act of Congress before referred to, and encouraged by the selection of the present site for a Navy Yard and Depot, under the authority of the President, the Legislature of this State, with a view to carry out the object expressed by Congress in said act, did, by an act of their own, of the 23d January, 1846, consent to, and confirm the purchase of land for that purpose, and did cede to the United States all right or claim which she possessed to the land included within the limits of the proposed Navy Yard.

In addition to this act of our State, the corporation of Memphis gave to the United States, all the public streets and alleys embraced within the limits of the Navy Yard; and the lands for the same were sold by many citizens of Memphis, to the United States, at very reduced, and even, in some instances, at merely nominal prices, in consideration of the establishment of the Navy Yard and Depot, as expressed and understood. Yet, notwithstanding this joint compact of the United States with the State of Tennessee, and with the corporation and citizens of the city of Memphis, that said Navy Yard and Depot should be completed, as contemplated and understood, your memorialists have recently

heard, with great concern and surprise, that your Honorable bodies may be urged to abandon the main object designed and expressed in the act establishing said work, and to reduce the same to a mere rope-walk.

Your memorialists would most respectfully submit, that every argument and fact which conduced to the establishment, at Memphis, of the Navy Yard and Depot still exist, and would indicate its full and prompt completion; that the gift of the public streets and alleys within the Navy Yard by the city of Memphis, and the cession of all the right and claim of the State of Tennessee to the district embraced in the Navy Yard, to the United States, were made in the full confidence and belief that the General Government would complete and carry out said work according to the original design as expressed in the acts of Congress and of the Legislature of this State, in relation thereto; that they deem this work an important one for our national defence, well located and adapted to carry out the original design of its location, and should be completed and carried out in that spirit of magnanimous justice to the section of the Union it was designed to protect, that has ever characterized our Federal Legislature. Therefore,

*Resolved by the General Assembly of the State of Tennessee,* That its Senators in the Congress of the United States be instructed, and its Representatives requested, in the event any measure looking to the modification or reduction of the Navy Yard at Memphis from its original design should be proposed in Congress, to oppose the same by all proper efforts and means.

*Resolved,* That the Governor of this State be requested to forward a copy of this memorial and resolutions to each of said Senators and Representatives at Washington.

JORDAN STOKES,

*Speaker of the House of Representatives.*

M. R. HILL,

*Speaker of the Senate.*

Adopted, February 27, 1852.

## NUMBER V.

The Memorial of the Senate and House of Representatives of the State of Tennessee, to the Senate and House of Representatives of the United States, in Congress assembled.

With the view to prevent, as far as possible, the hitherto great and melancholy loss of life and property by steamboat disasters of various kinds in the United States—and especially on the Western and South-western waters—the following facts and considerations are respectfully submitted to Congress for legislative action.

Your memorialists have witnessed with regret the utter inefficiency of former legislation on the subject of explosions of steamboat boilers and the collapses of the flues; and, on examining into the history of explosions, are led to conclude that radical defects exist in the iron of which very many steamboat boilers are now made. That nearly, if not all, the explosions that occurred prior to the introduction of puddled and boiled iron into our western markets, can be traced to the cast iron boiler heads, or to other discoverable defects in the iron of which the boilers were made, as illustrated in the explosions of the *Car of Commerce*, *Helen McGregor*, and *Gen. Robinson*, all of which explosions were occasioned by the giving way of the cast iron heads.

Your memorialists have been informed by practical men, that puddled and boiled iron do not possess the toughness of fibre, or the purity of composition, necessary for boiler iron. That when exposed to a moderate heat it is liable to become crystalized and return to its original cast iron condition. That the time required to effect this return to cast iron is indefinite, and depends on the amount of foreign matter combined with the iron, and the nature of the combination. That puddled and boiled iron will be destroyed by oxydation in about half the time required to destroy wood charcoal iron of the same thickness. That puddled and boiled iron are made in a reverberatory furnace, stone coal or coke used as a fuel, and scoria or cinder as a flux. This fuel and flux contains a large amount of the very materials which enter into combination with iron to its great injury. So large an amount of the foreign matter enters into combination with the iron in the puddling and boiling process, that the manufacturer gets almost as much merchant iron as he did of cast iron, for there is said not to be a loss in weight of exceeding 8 per cent., whilst the average loss in the conversion of cast iron into merchant iron in wood charcoal forge fur-

naces, is 33½ per cent. Iron made with wood charcoal in a forge furnace, is not liable to become crystalized or return to cast iron, however often heated. It is known that wood charcoal iron is superior in every respect to puddled or boiled iron. That the English import largely every year iron from Sweden, made with wood charcoal, in consequence of its superiority over their own puddled and boiled iron.

It is said to be the practice of some manufacturers of boiled iron, to take two or more small blooms and weld them together, and make what they call a boiler slab, out of which they make boiler iron. This is called piled iron, and when subject to frequent heatings, is liable to split or separate where it was welded, thereby greatly weakening that part of the boiler in which such iron happens to be.

It is said to be the practice of some river men, to so construct the furnace, that the fire extends further upon the outside of the boilers than the water line; in consequence of which, that part of the boilers exposed to the direct action of the fire above the water line, becomes red hot every time steam is raised, greatly weakening the boilers.

Your memorialists are informed that it is a common practice for engineers to be allowed under certain circumstances, to hang weights at random on the lever of the safety valve. Say it is deemed by the inspector entirely safe to carry 140 pounds pressure to the square inch, the valve is measured, weight calculated, and placed on the lever accordingly. It happens that steam at this pressure commences blowing off—it is said then that the engineer puts weight on the lever to prevent this loss of steam, and the moment he thus places such weight upon the lever, he loses all knowledge of what pressure to the inch the boilers are sustaining.

It is thought that a due regard should be had to qualification and sobriety of officers. At present any company who choose may build a steam boat, and put into her boilers built of any kind of cheap and worthless iron, and then get any kind of incompetent, drunken, or worthless master and engineers to run her, and there is no means by which the community have any right to institute an inquiry as to goodness of material, or capability of officers, however deeply interested.

Your memorialists beg leave respectfully to ask the passage of such laws as will secure the use of good wood charcoal iron in the construction of steam boat boilers. That the boiler iron be made out of blooms

of sufficient size, that each bloom will make a sheet of boiler iron, not allowing blooms to be welded together for this purpose. That cast iron boiler heads be prohibited, and instead thereof, good wrought iron heads be required to be used.

That the furnaces of steamboats be required to be so constructed, that no part of the boilers above the water line be exposed to the direct action of the fire. That a safety valve be required to be placed on every set of boilers beyond the reach of the engineers, so constructed as to render it impossible to carry a higher degree of pressure to the square inch, than is known to be entirely safe, say, to a forty-inch diameter of boiler, and iron of one-fourth inch thickness, 130 or 140 pounds to the square inch is deemed safe in high pressure boilers, and is thought as much pressure as is prudent to allow.

That upon the top of the flues of each outside boiler be placed cups filled with an alloy that will melt at a less degree of heat than is required to weaken iron, and so connected with a safety valve or guard on the boilers, as that the melting of the alloy will allow the safety valve or guard to rise and let steam escape, thereby indicating a want of water in time to guard against a collapse of the flues, or it is thought that lead rivets put through the top of each flue, by melting, would indicate a want of water in time to guard against collapse of the flues.

That an inspection of boiler iron be required to be made by a competent inspector, furnished with a proper government break, calculated to test the toughness, solidity and purity of the iron, before it is put into boilers; that all iron found to be of sufficient strength, purity and solidity, be required to put a stamp on, and that it be made a felony to put into a steamboat boiler any iron not having this government stamp on it.

That the strength of steamboat boilers should be tested at least twice each year by hydraulic, hydrostatic or other proper pressure or test, and the inspector be required to raise the pressure in this test at least thirty pounds to the square inch above the pressure of steam allowed to be carried in the boilers. That a rigid examination of steamboat officers should be required, as to capability, sobriety, &c. That the masters and engineers of steamboats be sworn not to move the weights on the lever of the safety valve, so as to increase the pressure allowed to be carried in the boilers; nor to hang on the valves additional weight to that placed

thereon by the proper inspectors. That such penalties as your Honorable body may deem proper be imposed on masters, owners and engineers for non-compliance with the requisitions of the laws on this subject. That in order to secure an impartial and independent discharge of duty on the part of inspectors of boiler iron and steamboat boilers, it is desirable their fees should be paid by the collectors of customs, and not by the manufacturers of iron, owners or master of steamboats.

It may not be out of place here to bring before Congress the consideration of the subject of the conflicting interests of steam navigation and railways and other roads, with regard to the question of bridges over navigable streams, which is daily growing into greater importance. On the one side is claimed the right of free and unrestricted navigation; on the other it is alleged that the great interests of the country demand that reasonable restrictions and limitations be put upon the height and size of steamers and their chimnies, or that the latter be arranged to be lowered to the deck of the boat when necessary. The truth and justice of the latter proposition can hardly be denied, and can be easily established and illustrated by events of recent occurrence at this city. A bridge built about thirty years since, supposed at the time to be of sufficient elevation, and not complained of for many years, was recently removed because of its obstructing the free navigation of the Cumberland river. Another, built a few hundred yards above, with an additional elevation of about twenty-eight feet, was also found to be inadequate to give free passage to the largest sized boats with their enormously high chimnies, and that, too, at a stage of water barely sufficient to float them with full freight. This bridge is not much, if any thing, less than one hundred feet above low water, and forty above extreme high water mark. Such facts show how imperative the necessity of legislation on the subject. Boats are built of too immoderate size and height for any useful or necessary purposes of internal commerce or intercourse. Their chimnies, now of enormous height, should be made to lower to their decks. In short, no boat should be allowed to stand more than forty feet above water. Nor should bridges for any purpose, be required to be built with a greater elevation than that, above ordinary high water mark—not extreme high water, which only occurs at long intervals. This will be yielding to the right, of free navigation much more than is asked or allowed to it on the streams most nav-

igated in Europe—the Rhine, the Rhone, the Soane and the Thames, all spanned by numerous bridges, the average height of which does not exceed twenty-five or thirty feet; and yet present upon their surface a busy scene of commerce, not witnessed upon our rivers of similar size and capacity.

A compromise to this effect seems to be imperatively demanded by the interests of the country, and wholly without valid objections of any kind. The superior advantages, facility and safety to life and property, of railway communication—the great number projected and likely to be constructed, connecting the various sections of our extended country in every direction, and affording outlets to its various and valuable productions, where navigation affords none, or partial and uncertain ones—require some consideration and favor from Congress.

Whereupon,

*Resolved*, That our Senators and Representatives in Congress be requested to urge upon the Congress of the United States, the importance of action on this memorial, and that the Governor be requested to forward a copy of this memorial and resolution to each of our Senators and Representatives in Congress.

JORDAN STOKES,

*Speaker of the House of Representatives.*

M. R. HILL,

*Speaker of the Senate.*

Adopted, February 19, 1852.

## NUMBER VI.

*Memorial of the Tennessee Legislature to the Legislature of Georgia.*

THE preservation of the Union of these States is an object of the highest importance, and demands the most profound consideration of every patriot and statesman. So far as any foreign or extraneous influences, calculated or intended to effect its permanence or impair its integrity, are concerned, we have nothing to fear, so long as a unity of sentiment on the subject of our national honor and national rights is cherished, and harmony of feeling is maintained at home, we have nothing to fear from the enemies of our institutions, though they come in the imposing form of the combined powers of earth.

Harmony among the States composing this great confederacy is not only essential to the advancement of all the great interests of the country, but is of indispensable importance to the very existence of the Union. It is therefore meet and proper that each of the States composing this great sisterhood, should labor as far as may be in their power to avoid all just ground of complaint, and by all honorable means endeavor to shun everything that is calculated to produce an alienation of feeling, or in any way disturb the kind and friendly relations that should exist between members of the same great family. Cherishing sentiments of this character, whenever grievances are believed to exist, it is the manifest duty of the party aggrieved, in a spirit of kindness, confidence and frankness, to state the cause of complaint. And it is equally due to the party aggrieved, that the complaints should be received in the same spirit of kindness, and after an impartial investigation, they should be found to exist, every consideration of justice, magnanimity and patriotism demand their redress.

Profoundly anxious to maintain the kindest and most amicable relations with our sister State of Georgia, and feeling that those kindly relations would be best promoted by a frank presentation of the evils under which we labor, the General Assembly of the State of Tennessee would respectfully suggest to the Legislature of the State of Georgia, the following considerations:

It will be remembered by your honorable body, that an application was made by the General Assembly of your State, to the Legislature of this State, during the winter 1837-8, for the privilege of extending her western and Atlantic railroad from the Georgia line to the margin of the Tennessee river, within the limits of Tennessee, and that certain rights, powers, privileges and immunities, were

granted to the said Western and Atlantic Railroad, on the express condition that similar powers, rights, privileges and immunities, should, on application, be conceded to the State of Tennessee, or her incorporated companies. In accordance with this agreement, during the winter of 1847, an application was made to the Legislature of Georgia for a grant of the rights and privileges as stipulated in the compact, to the Hiwassee, (now the East Tennessee and Georgia) Railroad Company. This application was promptly met, and the pledges faithfully redeemed.

The East Tennessee and Georgia Railroad Company, relying with implicit confidence on the good faith of the compact, have proceeded to construct their road through the territory of Georgia to the town of Dalton. In executing the powers thus granted to them, the East Tennessee and Georgia Railroad Company have met with many difficulties, and been subjected to many annoyances and inconveniences, resulting in serious damages to the Company, all of which they think are in contravention of the clearly expressed stipulations of the compact, and in violation of its spirit and intention. These annoyances have been many and various, resulting in delays and damages, by the institution of lawsuits, greatly to the detriment of the Company, in violation of the claims of justice, and in derogation of that spirit of concord, harmony and affection that should exist, not only between the states or sovereigns in equality, but between the citizens of these sovereignties.

We would, therefore, respectfully suggest to your honorable body, that you cause such inquiry to be made into those alleged wrongs, as justice, and a determination to maintain inviolate the plighted faith of the State may demand. And should they be found to exist, we doubt not your readiness to apply the corrective, and make all proper amends.

Having disposed of this question, you will pardon us for adverting to some other subjects of mutual interest, and which seem to demand our consideration. Following the noble example which you have set us and your sister States of the South, in the adoption of an enlarged and liberal system of internal improvements, by which you have erected a monument for yourselves as enduring as time, we have partaken of the same spirit, and entered the field in the same race, and seek now in the infancy of our undertakings to establish such relations as may conduce to our common interest, and in the end, redound to the honor, peace and prosperity of all. You are doubtless aware that the citizens of this State,

with such aid as the State has given them, have embarked in a system of internal improvements of no small proportions. You are aware that several hundred miles of road is now being constructed in Tennessee amounting, when completed, to not less than seven hundred, costing many millions of dollars, and all directed to your State road, and every mile of which must be tributary to your great lines of improvements, pouring their rich treasures into your lap, not only by largely increasing the dividends on your works, but by enlarging and multiplying your commerce to an extent as yet undefined, and which the imagination is scarcely bold enough to conjecture.

Seeing the vast community of interest springing up between us, and which if cherished and protected must go on multiplying and expanding to an almost unlimited extent, is it not most proper and important that we should now, in the incipency of things, when but few causes of complaint exist, when no feelings of distrust have been engendered, to establish such an understanding and enter into such a comity, as will forever save us from discord, and establish such ties of friendship and relationship, of social and commercial identity, as shall secure the harmony and interest of all, and establish the great principle of a reciprocity of kind feelings, good offices and mutual dependence, on a basis as firm and immutable as time itself.

All the various roads now being constructed in this State, and in which you have a large interest, are the property of incorporated companies, the stock owned chiefly by individual stockholders, and consequently liable to all the restrictions imposed by their several acts of incorporation, and amenable to all responsibilities and liabilities of common carriers. These restrictions and liabilities are conceded to be essential to a just and reasonable protection of the rights of persons and property. If by negligence, inattention, incompetency of officers or agents, or negligence of any kind, the rights or interests of any of your citizens are compromised, or sacrificed, the remedy is plain, and the redress easy and certain. Not so in the case of the Western and Atlantic railroad. This is exclusively the property of your State. Its property and rights are vested in a sovereignty, and consequently exempt from the liabilities that attach to individuals or companies of incorporation. Should damages result to citizens of your State, or ours, or any of our sister States, what remedy, what redress have we or they now, but such as a sense of justice of the Legislature may accord them, and which, if obtained, must

be done with much delay and great expense? Difficulties enough in many instances to amount to a denial of justice, in consequence of the inconvenience of making the application to the only source of redress, the legislative power of your State.

May we not therefore ask that you will take such action as your sense of justice and fairness may suggest?—such as will place all the interests involved on a footing of equality—such as will secure a faithful administration of your road, quiet all apprehensions, and give confidence and efficiency to our great enterprizes.

There is but one other point to which we would call your attention, and claim your earnest consideration. And that is the obstruction that exists at the Savannah river. However much may be said by the advocates of free trade between the nations of the earth, on one side, or the opponents of that system on the other; however plausible their theories may be on the one side or the other, they have nothing to do with the question under consideration. So far as a full, free and unrestrained interchange of commodities between these States is concerned, there is no difference of opinion. In this all concur. Statesmen of all parties agree that useless, unnecessary and voidable restrictions to the full, free and liberal intercourse, social and commercial, between all the States of the Union, is at war with the spirit of our institutions, and dangerous to its harmony and stability, and in its tendencies subversive of the great charter of our rights, and of that spirit of kindness and friendship, without which the Union is a mere mockery, and cannot survive the conflicts of party and the storms of passion and prejudice. Whenever obstructions necessary and unavoidable are to be met, all will bow submissively to the burthens they impose. But when there is no such necessity; every sense of justice and equality demand their abatement. Devotion to the Union, equality of rights, the peace and happiness of society; the enlarged and liberal spirit of the age, the age of progression and improvement, all demand their abatement. Is not this obstruction of this character, and does it not demand your favorable consideration? Is there any necessity for the continuance of this obstruction? Does the interest of your State require it, and is it in accordance with the great principles we profess? If one State may erect a barrier to the free intercourse between the States; then may another and another do the same thing, and when this spirit is turned loose on the country none can doubt the result—  
anarchy, discord and ruin must rule supreme.

The burthens imposed, by this obstruction, on the productions of the west, and the transportation of persons are most oppressive, amounting, for the short distance of less than one mile, to a cost equal to about sixty or seventy miles of railroad transportation. We will not trespass on your patience in this communication by enumerating the various items of cost thus imposed, but refer you to the schedule of freights and charges thus exacted. All political economists in our country agree that a tariff of charges on a transfer of property between the States is not to be tolerated.

We are unable to see the difference between your laying a direct tax of 25 cents per bale on our cotton, and 50 cents per capita on each individual who enters your State and purposes to pass out of it, and the no less certain but more indirect process of compelling the same amounts to be paid in the shape of drayage and tolls. The result is the same. The injustice the same. It may be said that an act of incorporation has been granted to the owners of this property, and that it would be an act of bad faith to trespass upon rights thus vested. We do not ask or desire that the rights of States, corporations or individuals shall, in the slightest degree, be violated or disregarded. None would go farther than we, in maintaining them. We do not ask that the rights of any shall be assailed; we only ask that ours may be protected. If the Legislature of your State has parted with her sovereignty and control over this subject, we do not invite her to an act of bad faith. But has she done this? We understand not. Suppose, however, that the power to control bridges over the Savannah river for three or four miles up and down be granted to the corporation of Augusta, we would not have it violated, except by consent or payment of an equivalent; and we cannot doubt that considerations connected with the interest of citizens of Georgia as well as those of Tennessee and Kentucky, and in fact the great West, most likely soon to be placed in connection by railway improvements, will powerfully induce your honorable body to pecuniary appropriations, or some other legitimate means which may effect the desired object. Granting this right, which is alledged not to exist, none will doubt the power of your honorable body to grant the Georgia Railroad Company, or any other company you may choose to incorporate, the power to construct a road and build a bridge above or below the territory thus assumed to have been consecrated to the special use and benefit of the corporation of Augusta.

Candor and friendship require that we should say,

that this question is one of great importance to the interest of our citizens, and that it is a cause of much and growing complaint, boding no good to the commercial intercourse which we hope to see established between two States so intimately connected in every thing that is calculated to advance our interest, honor and prosperity.

Having presented these subjects to your consideration, we cannot doubt that their importance will at once be obvious to you. Nor do we permit ourselves to doubt but that you will receive this communication in the same spirit of candor, frankness and friendship, in which it is dictated, and that your wisdom will suggest such remedies as justice may demand, and the great interests involved.

*Resolved*, That this communication be and the same is hereby adopted by the General Assembly of the State of Tennessee, and that James A. Whitesides, be, and he is hereby appointed a commissioner on the part of this State, to communicate the same to the General Assembly of the State of Georgia, and use such efforts to secure the accomplishment of the objects contemplated as may be in his power.

*Resolved*, That his excellency, the Governor of Tennessee be authorized to transmit to the commissioner, Mr. James A. Whitesides, the memorial and resolution of this Legislature to the Legislature of Georgia, setting forth the grievances of which the people of Tennessee complain, and request his prompt attention to the same.

JORDAN STOKES,

*Speaker of the House of Representatives.*

M. R. HILL,

*Speaker of the Senate.*

Adopted, November 10, 1851.

## NUMBER VII.

Memorial of the General Assembly of the State of Tennessee to the Congress of the United States.

Your memorialists represent, that the mails which are sent South from the country, lying in the valley of the upper Ohio river, are forwarded from Louisville; and those which are sent South, from the vallies of the Missouri and upper Mississippi rivers, are forwarded from St. Louis to New Orleans, and to intermediate ports by the river mail. That all the eastern coast on the lower part of the Ohio river, embracing part of the State of Kentucky; and the eastern coast on the lower part of the Mississippi river, embracing portions of the States of Tennessee, Mississippi and Louisiana, for a depth of fifty miles from said river, and the western coast of the same river, embracing portions of the States of Indiana, Illinois, Missouri, Arkansas, Louisiana and Texas, are supplied by the same mail. That this mail is professedly transported three times per week, both up and down the stream, but in reality, at some periods of the year, an interval of five, ten, and even fifteen days, sometimes transpires without the reception of any mails at any of the offices on this route.

The uncertainty in the transportation of the mails upon this river route, is owing, not to the want of water to facilitate navigation between the commercial emporiums of the west and those of the south; but, to the fact, that under the present arrangement of that mail, there is no regularly organized line established upon the river between those cities for the transportation of the mail. The mails are shipped as freight, on their arrival at Louisville and St. Louis, in such ordinary freight boats as may be ready to sail at the time being; with each of which, a new and separate contract has to be made for every mail which is forwarded from either of those cities, through to New Orleans or *vice versa*. These boats leave the different parts from which they depart and arrive at their various destinations, when their several deliveries of freight are made, having no reference whatever to the arrival and departure of the mail. Thus, when freight is abundant, the mails are frequently received at the different offices on this extended river route, when freight is scarce, they are seldom received; yet, the same necessity exists for intercommunication between the commercial

emporiums of the west and those of the south, at one time as at another.

Your memorialists further represent, that several short and imperfect mail lines running parts of the year, are also established between different points upon these rivers, between Louisville and New Orleans, and St. Louis and New Orleans; as for instance, the mail from Louisville to St. Louis by the mouth of the Ohio; the mail from Louisville to Shawneetown and Paducah; the mail from Nashville, by the mouth of Cumberland, to Memphis; the mail from Memphis to the mouth of the Arkansas; the mail from Columbia, Ark., to Vicksburg; the mail from Vicksburg to New Orleans; the mail from Donaldsonville to New Orleans; and perhaps others, not distinctly known to your memorialists. Thus overlapping in different places upon the great river mail route, for Louisville and St. Louis to New Orleans, in some instances twice, and even three times, by different independent lines.

These intermediate mail lines are understood and believed to be entirely independent of each other, having no connection in their arrivals or in their departures; and imperfect as they are, in the aggregate, are run at an expense as great, if not greater in all probability, (when added to the expense of the through line between the cities of Louisville, St. Louis and New Orleans,) than would be sufficient to run a regular, well organized and connected daily line, between the same cities and all intermediate ports; with that degree of certainty and expedition, which the importance and quantity of mail matter to be transported on this great route requires; and which the facility of transportation so eminently admits of.

Your memorialists are of the opinion, that this is a mail route, second in importance to none in the Union; and that no where, except between the eastern cities, is the same amount of mail matter daily transmitted. Under the present arrangement, it is believed that not more than one tenth part of the mail matter, floating on this great route, is transported in the mail bags. It is a fact, known to every traveler on the route, and particularly to those conversant with mail matters, that where one letter passes through the mail, ten, if not an hundred, pass through the letter boxes of steam boats, or the pockets of passengers; which are delivered over at their destination, without ever being handled by a post master, or any one else in the service of the department. At the present rates of postage, no one will consider that this is done to avoid payment; but,

every one must see that it is done, simply, because the government mails on these rivers are not transported with that degree of certainty and expedition, which is necessary to induce the public to give the government the transportation of its correspondence.

It is therefore desired, that Congress shall by law direct the establishment, between the cities of Louisville, St. Louis and New Orleans, and all intermediate ports, of a connected and daily line of mail steamers, graduated to suit the different parts of the river for the purpose of transporting and delivering the mails thereon, with the greatest possible expedition and certainty.

*Resolved*, That his Excellency, the Governor, be requested to furnish our Senators and Representatives in Congress, with copies of the foregoing Memorial; and that they be requested to present the same to the Congress of the United States, and to unite their exertions in such manner as they may deem most effectual, in obtaining the objects of this Memorial.

JORDAN STOKES,

*Speaker of the House of Representatives.*

M. R. HILL,

*Speaker of the Senate.*

Adopted, February 23, 1852.

## NUMBER VIII.

Memorial of the General Assembly of the State of Tennessee, to the Senate and House of Representatives of the State of Mississippi, now in session at Jackson.

Your memorialists, would most respectfully represent, that it is with the deepest concern, that they have been informed of the provisions of a bill, to be entitled "an act to grant the right of way to the Memphis and Charleston railroad company, and for other purposes," now pending before your honorable body. Your memorialists are constrained to say, that they regard the conditions and restrictions proposed to be imposed upon the grant adverted to, as being so onerous, as to render that grant useless and nugatory, and we cannot forbear the expression of a hope, that in view of the fact, that neither Alabama or Tennessee, have imposed any restrictions upon this great enterprise in which we are all alike interested, and in consideration also of the fact, that neither of those States have hesitated to grant the right of way to all enterprises in which our sister State of Mississippi was interested, she will not insist upon terms, the practical effect which might be to render unavailing to us the privilege she granted. The provisions of the bill to which your memorialists have taken the liberty of referring, seem to contemplate, not that the most profitable route shall be pursued by the Memphis and Charleston railroad company, but that a certain route therein designated as the "Central route" shall be pursued, unless it should be found on survey to be impracticable or entirely unprofitable. Your memorialists are informed, and would represent to your honorable body, that it was the desire of the directory of said company, to locate the route so as to pass by the town of Holly Springs, in the manner indicated by the bill under consideration. *Provided*, That could be done consistently with directness and economy, and upon just and scientific principles. They accordingly ordered a survey of that route, which was made; and the Engineers to whom that duty was committed, reported the route to be from ten to fourteen miles longer than that by LaGrange, and that it would involve an additional expenditure of from three to four hundred thousand dollars. If we assume such to have been the fact, the directory consistently with the interests of the company, and the most solemn obligations of their office, could not have done otherwise than they did. And when it was suggested on the part of some citizens of the State of Mississippi, that the best route by the town of Holly Springs, had not, been surveyed, it

was proposed by the President of the company, that a new survey should be made by engineers appointed by both parties, and that if they should recommend a route by Holly Springs, or should report it as being the nearest, cheapest and best route, such route should still be adopted. Your honorable body cannot be insensible to the propriety, not to say the necessity, other considerations being equal, of adopting, in the construction of works of this character, the most direct routes: a different course, to say nothing of the additional and unnecessary expenditure involved, might subject a work even after its completion, to a very injurious competition with other works, in the construction of which, this important consideration had been observed, besides at this advanced period in the progress of the enterprise, the construction of it having been actively begun. The iron rails procured for a considerable portion of its extent, and the route having been considered as determined upon, any diversion from that route might occasion great embarrassment. It might occur, that some of the subscribers for stock would seek to avail themselves of this objection, in order to avoid a compliance with the terms of their subscription. It is believed by your memorialists, that the bill referred to, provides no adequate remuneration for these and other difficulties that might be suggested; and it is hoped, that in view of the importance of this road, as well to the people of Mississippi as to those of Tennessee, any restrictions or conditions that might jeopardize its construction, will not be insisted upon by the former State. Again—we would ask leave to call your attention to the fourth section of the bill, which would make it obligatory upon the Memphis and Charleston railroad company, under certain circumstances therein specified, and in the event, the Central route should be ascertained to be impracticable or unprofitable, to construct branch roads from the towns of Ripley and Holly Springs; and in that connection to the fifth section also, which gives to the proposed branches in substance the right to sever from the main line of said road, whenever they may think proper to do so—provides for a separate organization, separate charters &c., and at the same time would secure to them all the privileges of connection with the main line, which were conferred upon branch roads by the fourth section of the liberal act of the legislature of Tennessee, of the 2d February, 1846, incorporating the Memphis and Charleston railroad company. This road being an important one to the citizens of either State, as both parties assume

it to be, and neither Tennessee or Alabama having imposed restrictions as before urged upon any enterprise, in which Mississippi was interested. Your memorialists can perceive no reason why a reciprocity of privileges should not be observed. Surely it would be deplorable, if instead of such reciprocity, States not only contiguous in territory, but united by so many ties of interest and sympathy, even to concur in a system of countervailing and retaliatory legislation, the common evil that would ensue is too apparent to justify further remark. Your memorialists, would therefore most respectfully ask, to submit the premises to your consideration.

*Resolved therefore,* That the Governor of this State, be requested to forward forthwith, to the Governor of the State of Mississippi, a copy of this memorial.

JORDAN STOKES,

*Speaker of the House of Representatives.*

M. R. HILL.

*Speaker of the Senate.*

Adopted, February 17, 1852.



# RESOLUTIONS.

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## NUMBER I.

### Federal Resolutions.

**WHEREAS**, opinions have been advocated at the North and at the South, in reference to the compromise measures passed by the last Congress, and the questions growing out of slavery in United States, which if persisted in, are calculated to bring the general government in conflict with the States of the Union, and threaten the destruction of the constitution, and the liberties of the country. And the people of Tennessee, through her Legislature, desire distinctly to state their views on these questions:

1. *Resolved, therefore, by the General Assembly of the State of Tennessee*, That the people of this State, feel and ardently cherish an abiding devotion to the Union and Constitution of the United States.

2. *Resolved*, That the Constitution of the United States does not recognize the right of secession on the part of any of the States of this Union, and the people of the United States, in the adoption thereof, did ordain and establish a government of limited powers, and not a confederacy merely, and that it proceeds upon the idea that it is to be perpetual, like other forms of government, subject only to be dissolved by revolution.

3. *Resolved*, That the State of Tennessee maintains the right of the people of the States, whenever palpably, intolerably, and unconstitutionally oppressed by the Government of the United States, to resist

its illegal action by force, if necessary; but this right is, in its character, revolutionary, and that there is no cause at present for the exercise of such right.

4. *Resolved*, That this State will aid the Executive of the United States, whenever necessary, by all legal means, in executing the constitutional laws of the United States. But in that spirit of hope and kindness which must exist between the States, to preserve the Union, she warns her sister States of the North, that a repeal, or failure to enforce the provisions of the Fugitive Slave bill, or any modification of it, so as to destroy its efficiency, will tend to a train of deplorable consequences, from which a dissolution of the Union will be the most probable result, and she hereby gives utterance to her unqualified condemnation of the agitation of the subject of slavery in the Northern States, and all the steps taken, and movements set on foot by the fanatics and abolitionists, to resist the execution of the law for the reclamation of fugitive slaves.

5. *Resolved*, That the laws passed by the last Congress for the compromise of the slavery questions, must meet with the approbation of Tennessee, as being the best, which under all the circumstances, could be adopted. That their passage was not a triumph of either party or section, and they are regarded as a settlement in principle and substance—a final settlement of the dangerous and exciting subjects, which they embraced, and the State of Tennessee hereby pledges her hearty support in their enforcement.

6. *Resolved*, That the President of the United States has placed himself high in the great work of pacifying the country, and has received the meed of approbation from political friends and political foes. That the people of Tennessee partake of this sentiment, and with pleasure, render him justice in the great matter of the salvation of the country, and rejoice, that we have in this crisis, a patriot and a statesman at the head of affairs, who knows his duty, and dares to perform it.

7. *Resolved*, That the course of the President of the United States in the management of our foreign relations—in maintaining our good faith with all nations—in his determination to enforce the laws of the United States, and in his administration of the affairs of the nation, generally meets with the hearty approbation of the people of Tennessee.

8. *Resolved*, That duty and patriotism enjoin upon the United States Government, carefully to avoid alliances with foreign powers, and to have with them as little political connection as possible.

9. *Resolved*, Finally, in the language of the father of the Constitution, that "ours is a government which avoids intrusion in the internal welfare of other nations, and repels them from its own," and that a departure from this time honored policy, would in the opinion of this General Assembly, endanger its independence, if it did not become the immediate precursor of its downfall.

10. *Resolved*, That the Governor is hereby requested to transmit copies of these resolutions to our Senators and Representatives in the Congress of the United States.

JORDAN STOKES,  
*Speaker of the House of Representatives.*  
M. R. HILL,  
*Speaker of the Senate.*

Passed, February 28, 1852.

## NUMBER II

A Resolution for the relief of the people of the 17th Districts of Monroe and Blount Counties.

*Resolved by the General Assembly of the State of Tennessee*, That the Hon. E. Alexander, Judge of the 2d Judicial Circuit of Tennessee, be appointed a Commissioner, to hear proof and determine whether the surveyor of the Hiwassee District, or any of his deputies, surveyed and laid off six hundred and forty acres of land, for the use of schools, in the township, or townships, comprising the 17th Civil District, in Monroe and Blount counties, and whether the land in said Civil Districts which should have been laid off as school land, has been disposed of by the State of Tennessee, in violation of the requirements of the Act of Congress, commonly called the "Session Act," passed in 1806, and report the facts to the next Legislature of this State.

JORDAN STOKES,  
*Speaker of the House of Representatives.*  
M. R. HILL,  
*Speaker of the Senate.*

Passed, February 26, 1852.

## NUMBER III.

Proposed amendments of the Constitution of the State of Tennessee, adopted by the present General Assembly, and to be acted upon by the people.

THE third section of the 6th article of the Constitution shall be so amended as to read as follows:

SECTION 3. The Judges of the Supreme Court shall be elected by the qualified voters of the State at large, and the Judges of such inferior courts as the Legislature may establish, shall be elected by the qualified voters residing within the bounds of any district or circuit to which such inferior Judge or Judges, either of Law or Equity may be assigned by ballot, in the same manner that members of the General Assembly are elected. Courts may be established to be holden by Justices of the Peace. Judges of the Supreme Court shall be thirty-five years of age, and shall be elected for the term of eight years.

The fifth section of the sixth article of the Constitution shall be so amended as to read as follows:

SEC. 5. An Attorney General for the State shall be elected by the qualified voters of the State at large, and the Attorney for the State for any circuit or district to which a Judge of an inferior court may be assigned, shall be elected by the qualified voters within the bounds of such district or circuit, in the same manner that members to the General Assembly are elected; all said attorneys, both for the State and circuit or district, shall hold their offices for the term of six years. In all cases where the Attorney for any district fails or refuses to attend and prosecute according to law, the Court shall have power to appoint an Attorney *pro tempore*.

SCHEDULE TO AMENDMENTS.

SEC. 1. And that no inconvenience may arise from the proposed Amendments, should the same be adopted by the people, it is declared that all Judges of the Courts and Attorneys contemplated in the proposed amendments, shall continue to hold their offices and exercise the duties and functions thereof, according to the true existing laws and Constitution, until the election of their successors by the people, to be held and made under a law to be passed by the General Assembly (next elected, after the ratification of the proposed amendments by the peo-

ple,) which law shall prescribe the times and places of holding said elections, and which shall be passed without delay and in strict pursuance of said amendments. *Provided*, The Legislature shall appoint a day for holding the election of Judges and Attorneys General separate and apart from the days already prescribed or hereafter to be prescribed by the Legislatures, for holding the elections for State and county officers.

JORDAN STOKES,

*Speaker of the House of Representatives.*

M. R. HILL,

*Speaker of the Senate.*

Passed, November 21, 1851.

#### NUMBER IV

A Resolution appointing Commissioners to superintend the erection of a Monument over the grave of Abraham V. Hulse, deceased.

WHEREAS, during the Session of the Legislature of 1837--38, one Abraham V. Hulse, a member of the House of Representatives, from the counties of Sullivan and Hawkins, died during said session of the Legislature, and whose remains lie interred in the vicinity of Nashville, without a slab or stone to mark his lonely resting place. And, whereas, at the Session of the Legislature of 1847--48, an appropriation of one hundred dollars was made for the purpose of erecting a Monument over the grave of the said Abraham V. Hulse, and appointing Dr. Joseph E. Manlove, to superintend the erection of said Monument, but which has hitherto been neglected, for reasons unknown. Therefore:

*Resolved by the General Assembly of the State of Tennessee*, That said appropriation of one hundred dollars be hereby continued, and that A. R. Crozier and B. Clements are hereby appointed to procure and superintend the erection of a Monument over the grave of Abraham V. Hulse, with the proper inscription thereon, not exceeding one hundred dollars in value, and that

the Comptroller of the Treasury issue his warrant on the State Treasurer, for the above sum when said Monument shall have been completed.

JORDAN STOKES,  
*Speaker of the House of Representatives.*

M. R. HILL,  
*Speaker of the Senate.*

Passed, February 24, 1852.

## NUMBER V

Comptroller and Treasurer's Offices.

*Resolved, by the General Assembly of the State of Tennessee, That the Comptroller of the Treasury, and the Treasurer of the State, be permitted to occupy the two small offices on Capitol Hill, until other provisions are made by the Legislature.*

JORDAN STOKES,  
*Speaker of the House of Representatives.*

M. R. HILL,  
*Speaker of the Senate.*

Passed, November 21, 1851.

## NUMBER VI.

Resolution confirming the appointment of Trustees for the Tennessee School for the Blind.

*Resolved, by the General Assembly of the State of Tennessee, That the appointment of Samuel Baker, C. W. Nance and James W. McCombs, as Trustees of the Tennessee School for the Blind, is confirmed.*

JORDAN STOKES,  
*Speaker of the House of Representatives.*

M. R. HILL,  
*Speaker of the Senate.*

Adopted, February 26, 1852.

## NUMBER VII.

**A Resolution to release G. W. Gibbs from the payment of judgment against him.**

**WHEREAS**, The State of Tennessee obtained judgment against G. W. Gibbs, as security of Joel Parrish, in the circuit court of Davidson county, for about the sum of six hundred and thirty dollars, upon which judgment said Gibbs paid the sum of four hundred dollars; and is entitled to other credits on said judgment equal in amount to the balance remaining unpaid thereon. Therefore,

*Be it resolved by the General Assembly of the State of Tennessee*, That the said G. W. Gibbs, be and he is hereby released from the payment of any part of the balance of said judgment.

JORDAN STOKES,

*Speaker of the House of Representatives.*

M. R. HILL,

*Speaker of the Senate.*

Adopted, February 28, 1852.

## NUMBER VIII.

*Resolved by the General Assembly of the State of Tennessee*, That the Comptroller of the Treasury, be authorized and required to issue his warrant to the Trustees of the Asylum for the Insane, for any amount of asylum funds which may be in the Treasury, deposited by the commissioners of the asylum.

JORDAN STOKES,

*Speaker of the House of Representatives.*

M. R. HILL,

*Speaker of the Senate.*

Adopted, February 18, 1852.

## NUMBER IX.

A Resolution to increase the Salary of the Teller of the Bank of Tennessee.

*Resolved by the General Assembly of the State of Tennessee, That the salary of the Teller of the Bank of Tennessee, be increased from twelve to fifteen hundred dollars, so as to make the compensation of said officer equal to that received by the same officers in the Union and Planters' Bank.*

JORDAN STOKES,

*Speaker of the House of Representatives.*

M. R. HILL,

*Speaker of the Senate.*

Adopted, February 27, 1852.

## NUMBER X.

A Resolution for the benefit of S. W. Cochran and Robert N. Lewis, and for other purposes.

*Resolved by the General Assembly of the State of Tennessee, That the Comptroller of the Treasury is hereby authorized to issue his warrants to S. W. Cochran and Robert N. Lewis, for one hundred dollars each, for services performed as commissioners appointed by the legislature of Tennessee, to attend the session of the Kentucky legislature, to negotiate for the cession of a portion of territory claimed by Kentucky to Tennessee.*

*Be it further resolved, That the powers of the said commissioners, S. W. Cochran and Robert N. Lewis, heretofore given them by the present legislature of Tennessee, to negotiate for the cession of a certain portion of territory mentioned in said resolution, be continued, and that said commissioners be authorized to visit and negotiate with the next session of the Kentucky legislature, and report to some future legislature of Tennessee, and that said commissioners be authorized to act either jointly or severally.*

JORDAN STOKES,

*Speaker of the House of Representatives.*

M. R. HILL,

*Speaker of the Senate.*

Adopted, February 26, 1852.

## NUMBER XL

Resolution directory to the Comptroller of the Treasury.

*Resolved by the General Assembly of the State of Tennessee,* That the Comptroller of the Treasury, be authorized and directed to refund to John Howard, the commissions forfeited by said Howard, as sheriff and tax collector of Sevier county, for the years 1842, 1845 and 1846, amounting in the aggregate to the sum of eighty-three dollars and eighteen cents.

JORDAN STOKES,

*Speaker of the House of Representatives.*

M. R. HILL,

*Speaker of the Senate.*

Adopted, February 27, 1852.

## NUMBER XII.

A Resolution directory to the Superintendent of the Penitentiary.

*Resolved by the General Assembly of the State of Tennessee,* That the Superintendent of the Penitentiary, be and he is hereby authorized and directed to deliver over to Capt William Darwin, of Franklin county, or his agent, a negro slave named Clarissa, now confined in said Penitentiary.

JORDAN STOKES,

*Speaker of the House of Representatives.*

M. R. HILL,

*Speaker of the Senate.*

Adopted, February 27, 1852.

## NUMBER XIII.

A Resolution directory to the Comptroller of the Treasury.

*Resolved by the General Assembly of the State of Tennessee,* That the Comptroller of the Treasury, be and he is hereby authorized and directed to issue his warrant on the State Treasurer, in favor of Lewis S. Read, for the sum of seventy-one dollars and fifty cents, being the amount of expenses incurred by said Read and guard, in apprehending John Stark, a fugitive from justice.

JORDAN STOKES,

*Speaker of the House of Representatives.*

M. R. HILL,

*Speaker of the Senate.*

Adopted, February 20, 1852.

## NUMBER XIV.

Resolution appointing additional trustees of the Tennessee Institution for the education of the Deaf and Dumb.

*Resolved by the General Assembly of the State of Tennessee,* That John H. Crozier, Samuel B. Boyd, James C. Moses, William J. Baker, Daniel McCollum, John D. Gibson, Joseph H. Walker and Joseph Jackson, be and they are hereby constituted trustees of the Tennessee Institution for the education of the Deaf and Dumb, and full power and authority are hereby conferred upon them to act as such, in conjunction with the trustees of said institution heretofore appointed.

JORDAN STOKES,

*Speaker of the House of Representatives.*

M. R. HILL,

*Speaker of the Senate.*

Adopted, January 20, 1852.

## NUMBER XV.

*A Resolution directory to the Secretary of State.*

*Resolved by the General Assembly of the State of Tennessee, That the Secretary of State, be authorized to have printed one thousand copies of the captions of the Acts and Resolutions passed at this session of the legislature, for the use of the members thereof.*

JORDAN STOKES,

*Speaker of the House of Representatives.*

M. R. HILL,

*Speaker of the Senate.*

Adopted, February 18, 1852.

## NUMBER XVI.

*A Resolution for the relief of J. C. Burts and guard, for apprehending Robert Burk alias George Robertson, a fugitive from justice.*

WHEREAS, J. C. Burts, of Jefferson county, in this State, at considerable trouble and expense, arrested one Robert Burk, alias George Robertson, in the State of Virginia, charged with house-breaking; said Burk or Robertson, when arrested being a fugitive from justice, was found guilty as charged, and was sentenced to the Penitentiary from Jefferson county, for the period of four years. And whereas, said J. C. Burts and guard were at the expense of thirty-five dollars and sixteen cents, in said arrest, for which they have received no compensation. Therefore,

*Resolved by the General Assembly of the State of Tennessee, That the Comptroller of the Treasury be authorized and required to issue his warrant to the Treasurer of this State in favor of J. C. Burts and guard, for the sum of thirty-five dollars and sixteen cents, as a compensation to them for their expense and trouble, in arresting said Robert Burk, alias George Robertson.*

JORDAN STOKES,

*Speaker of the House of Representatives.*

M. R. HILL,

*Speaker of the Senate.*

Adopted, February 25, 1852.

## NUMBER XVII.

A Resolution to alter the fourth section of the tenth article of the Constitution of the State of Tennessee.

*Resolved by the General Assembly of the State of Tennessee,* That the fourth section of the tenth article of the Constitution of the State of Tennessee, be so altered that a new county may be formed out of a portion of the territory now composing the counties of Haywood, Madison, Gibson and Dyer, the line of which shall not run nearer than ten miles of Dyersburg and Jackson; and that a new county may be formed out of a portion of the territory now composing the counties of McNairy and Hardeman; and that a new county may be formed out of that portion of Obion county, that lies west of Reelfoot lake on the Mississippi river; and that a new county may be formed out of fractions of the counties of Washington, Sullivan, Hawkins and Greene, by the name of the county of Powell; and that a new county may be formed out of a portion of the territory now composing the counties of Marion and Bledsoe; which new counties may consist of less than three hundred and fifty square miles, and the lines of said new counties may run nearer than twelve miles to the county seats of said old counties; and said old counties may be reduced below six hundred and twenty-five square miles.

*Be it further resolved,* That a new county may be formed out of the south-west portion of Wayne county, and the south-east portion of Hardin county, and that said new county may consist of less than three hundred and fifty square miles, and that the county of Lewis, formed out of the fractions of Maury, Lawrence, Wayne and Hickman, by an act passed on the 21st day of December, 1843, chap. 38, entitled "an act to establish the county of Lewis," shall be declared a constitutional county, and may consist of less than three hundred and fifty square miles. *Provided,* A majority of the qualified voters in said county, shall agree thereto by a popular vote. *Provided,* It shall not reduce the counties of Maury, Lawrence, Hickman and Wayne, below their constitutional limits.

JORDAN STOKES,

*Speaker of the House of Representatives.*

M. R. HILL,

*Speaker of the Senate.*

Adopted, November 29, 1851.

## NUMBER XVIII.

Resolution in relation to the great Hungarian patriot, Kossuth.

*Resolved by the General Assembly of the State of Tennessee,* That we were truly gratified to learn, that the great, good and patriotic Hungarian, Kossuth, was about to land in the United States, and was about to become a citizen of the same.

*Resolved,* That from the commencement of the revolution in Hungary, to the present time, we have watched with the greatest anxiety and interest, the conduct of Kossuth—and that in every thing that he has done or said, we have beheld the loftiest genius united with the purest patriotism, and that no man of the 19th century in Europe, is entitled to share more largely our admiration and friendship.

*Resolved,* That any honors and hospitality shown to this brave, generous and disinterested man, and his true and devoted followers by the President of the United States, will meet with our hearty approbation.

*Resolved,* That any aid or donations made to these brave and good men by the American Congress, not in violation of the Constitution of the United States, shall meet with our most cordial approbation, and that the generosity of the nation should be proportioned to the merits and worth of the donees.

*Resolved,* That we would be pleased to see this true man and his friends in Tennessee, and that we are in hopes he will find it convenient to pay us a visit; we know that the freemen of Tennessee would greet him with all the joy and cordiality of his own native Hungarians.

*Resolved,* That these resolutions are not passed in a spirit of dictation to the President and Congress, but rather as a free offering and expression of our own admiration and friendship—for we are satisfied no American wants any stimulus to cause him to honor this man and his comrades, but the promptings of his own heart.

*Resolved,* That a copy of these resolutions be forwarded by the Governor of Tennessee to Kossuth, and another copy to the President of the United States.

JORDAN STOKES,

*Speaker of the House of Representatives.*

M. R. HILL,

*Speaker of the Senate.*

Adopted, November 18, 1851.

## NUMBER XIX.

A Resolution asking for information in regard to the State Bank of Tennessee and its Branches.

*Resolved by the General Assembly of the State of Tennessee,* That the President of the State Bank of Tennessee, make an exhibit, at as early a day as practicable, to the said General Assembly, showing the profits made by the mother bank at Nashville, and by the several branches thereof throughout the State, upon the capital severally employed by them for the last two years.

JORDAN STOKES,  
*Speaker of the House of Representatives.*  
M. R. HILL,  
*Speaker of the Senate.*

Adopted, November 19, 1851.

## NUMBER XX.

Resolution relative to the Bank of Tennessee.

*Resolved by the General Assembly of the State of Tennessee,* That the President and Directors of the Bank of Tennessee, report to this House, at as early a period as practicable, whether the President and Directors of said Bank have complied with the 17th section of the act of 1838, chartering the said bank, which section provides, that the amount discounted for the different counties, shall be in proportion to the voting population of each respectively; and, if they have not, to report their reasons for not complying with said section of said act.

JORDAN STOKES,  
*Speaker of the House of Representatives.*  
M. R. HILL,  
*Speaker of the Senate.*

Adopted, January 20, 1852.

• NUMBER XXI.

A Resolution to fill vacancy for Trustee in the East Tennessee University at Knoxville.

*Resolved by the General Assembly of the State of Tennessee, That Perez Dickinson, be, and he is hereby appointed Trustee of the East Tennessee University at Knoxville, to fill the vacancy occasioned by the removal of S. D. Jacobs from the State.*

JORDAN STOKES,

*Speaker of the House of Representatives.*

M. R. HILL,

*Speaker of the Senate.*

Adopted, February 28, 1852.

NUMBER XXII.

A Resolution authorizing the county court of Smith to draw her internal improvement fund, &c.

*Resolved by the General Assembly of the State of Tennessee, That the Comptroller of the Treasury and Superintendent of Public Instruction, shall, upon application of the county court of Smith county, examine and ascertain what amount of internal improvement fund, belonging to Smith county, has been paid over to the Superintendent of Public Instruction, and the Comptroller and Superintendent shall certify to the Bank of Tennessee, the amount so paid over; and the bank shall pay to Smith county the amount, without interest, out of the funds composing the capital of said bank, known as the common school fund; to be appropriated as directed by the county court of said county, two-thirds of all the justices of the peace being present. Provided, That portion of Macon county, formerly belonging to Smith, shall be entitled to its proportionable part.*

JORDAN STOKES,

*Speaker of the House of Representatives.*

M. R. HILL,

*Speaker of the Senate.*

Adopted, February 27, 1852.

## NUMBER XXIII.

A Resolution for the benefit of Alexander Sexton and William Pentecost.

**WHEREAS**, Alexander Sexton and William Pentecost, captured one William E. Brown, who had killed Mr. Northcut, in Warren county, Tennessee, and had fled from justice, and was taken at Clarksville, Tennessee, and conveyed by them to McMinnville, which cost the said Sexton and Pentecost one hundred dollars, which has not been paid them by the State.—Therefore,

*Be it Resolved by the General Assembly of the State of Tennessee*, That the Comptroller is hereby authorized to issue his warrant to Alexander Sexton, for the sum of seventy-five dollars, and also to issue his warrant to William Pentecost for seventy-five dollars, being the sum due them by the State, for taking said Brown.

JORDAN STOKES,

*Speaker of the House of Representatives.*

M. R. HILL,

*Speaker of the Senate.*

Adapted, February 25, 1852.

## NUMBER XXIV.

A Resolution for the benefit of the Public Printers.

*Resolved by the General Assembly of the State of Tennessee*, That in addition to the time now allowed by law, the further time of thirty days be, and is hereby allowed to the public printers of the State in which to print and deliver the Acts and Journals of the Senate and House of Representatives.

JORDAN STOKES,

*Speaker of the House of Representatives.*

M. R. HILL,

*Speaker of the Senate.*

Adopted, February 27, 1852.

## NUMBER XXV.

A Resolution appointing Commissioners for the Monument at Lawrenceburg.

*Resolved by the General Assembly of the State of Tennessee, That H. L. Burkett and S. A. Carroll, be, and the same are hereby appointed Commissioners for the completion of, a Monument at Lawrenceburg, to the memory of the citizen soldiers in the Mexican war, in the places of Hon. F. Buchanan and W. P. Rowles, deceased.*

JORDAN STOKES,  
*Speaker of the House of Representatives.*  
M. R. HILL,  
*Speaker of the Senate.*

Passed, February 7, 1852.

## NUMBER XXVI.

A Resolution to appoint Commissioners to prepare a Digest of the Statutes.

*Resolved by the General Assembly of the State of Tennessee, That Return J. Meigs and William F. Cooper, be, and they are hereby appointed to revise and digest the general statutes of the State of Tennessee, and report the same to the next General Assembly, and that they suggest any amendments or alterations which they may deem advisable, and that they receive for their compensation the balance remaining unexpended of the amount recovered by the State against Smith Oridle. In the event either or both of the persons herein appointed shall die, fail or refuse, or fail to act, the Supreme court may appoint a suitable person to fill such vacancy.*

*Be it further resolved, That if said gentlemen are not willing to undertake the revisal of the statutes upon the terms aforesaid, that the Governor is hereby authorized to contract with them or others for the work upon such terms as he may deem proper.*

JORDAN STOKES,  
*Speaker of the House of Representatives.*  
M. R. HILL,  
*Speaker of the Senate.*

Adopted, February 8, 1852.

## NUMBER XXVII.

A Resolution releasing Nelson Sadler and Absolom Johnson from the payment of a judgment obtained against them as securities of John Scantland.

*Resolved by the General Assembly of the State of Tennessee, That Nelson Sadler and Absolom Johnson be, and they are hereby released from the payment of a judgment obtained against them in Jackson county, in the circuit court thereof, for the sum of seven hundred and forty-three dollars and eleven cents, as securities of John Scantland, as sheriff of said county.*

JORDAN STOKES,

*Speaker of the House of Representatives.*

M. R. HILL,

*Speaker of the Senate.*

Adopted, February 27, 1852.

## NUMBER XXVIII.

Resolutions in regard to Porter's self-loading and self-firing Rifle.

*Resolved by the General Assembly of the State of Tennessee, That the Governor of the State is hereby recommended to call upon the War Department, at Washington, for such a number of Porter's self-loading and self-firing rifles as the State may be entitled to under existing laws, for the distribution of arms among the States.*

*Resolved, That in the opinion of this General Assembly, the Congress of the United States ought to procure from the inventor the right to manufacture and use the self-loading and self-firing rifle.*

*Resolved, That the Governor of the State is requested to forward a copy of this report to each of our Senators and Representatives in Congress.*

JORDAN STOKES,

*Speaker of the House of Representatives.*

M. R. HILL,

*Speaker of the Senate.*

Adopted, January 20, 1852.

## NUMBER XXIX.

Resolution for the relief of E. H. Foster, Boyd McNairy and Harry Hinton.

WHEREAS, at the September term, 1848, of the circuit court, for Davidson county, a judgment was recovered against Ephraim H. Foster, Boyd McNairy and Harry Hinton, as securities of John J. Hinton, collector of the revenue for the sum of \$5,221 98, and on which judgment, considerable payments have been made.

And whereas, it is represented that said securities are in equity and good conscience, entitled to credits that they are not able to prove on the trial of said cause. Therefore,

*Resolved*, That the Comptroller of the Treasury, and Attorney General, be, and they are hereby authorized to hear and consider on any evidence said securities may produce in the premises; and if in their opinion the said securities shall be entitled, in equity and good conscience, to any credit or reduction of said judgment, they shall report the same to the next General Assembly of this State,

And the said Comptroller and Attorney General shall have power and authority to indulge said securities for the payment of the present amount, or for any balance due on said judgment, for the space of two years from this date. *Provided always*, That said indulgence shall not be given, unless in the opinion of said Comptroller said judgment will be in nowise endangered by giving the time hereby authorized to be given.

JORDAN STOKES,

*Speaker of the House of Representatives.*

M. R. HILL,

*Speaker of the Senate.*

Adopted, February 27, 1852.

## NUMBER XXX.

A Resolution for the benefit of James P. Keith.

*Resolved by the General Assembly of the State of Tennessee,* That the Comptroller of the Treasury, be, and he is hereby instructed to issue his warrant upon the Treasurer of the State to James P. Keith, of Franklin county, for the sum of two hundred dollars, the amount expended by said Keith in bringing Zeb. Paine, a fugitive from justice, to said county for trial and punishment, and the Treasurer shall pay the same out of any money in the treasury, not otherwise appropriated.

JORDAN STOKES,

*Speaker of the House of Representatives.*

M. R. HILL,

*Speaker of the Senate.*

Adopted, February 7, 1852.

## NUMBER XXXI.

A Resolution directory to the Comptroller of the Treasury to issue his warrant to Isaac C. Lane.

*Resolved by the General Assembly of the State of Tennessee,* That the Comptroller of the Treasury of the State, shall issue his warrant to Isaac C. Lane, for the sum of one hundred and eight dollars and seventy-five cents, the amount due said Lane and guard for conveying Eli White, an insane pauper, charged with having committed an offence against the State, in Claiborne county, the court of said county, having duly considered said offence, believed and declared the said White a suitable subject for the Insane Hospital of the State, and empowered said Lane to convey said White to the same.

JORDAN STOKES,

*Speaker of the House of Representatives.*

M. R. HILL,

*Speaker of the Senate.*

Adopted, November 20, 1851.

## NUMBER XXXII.

A Resolution in relation to the widows and orphans of certain officers and soldiers of the late war with Mexico.

*Resolved by the General Assembly of the State of Tennessee;* That our Senators in Congress be instructed, and our Representatives be requested to vote for the passage of a law, extending for five years the provisions of the act of Congress, of July 21st, 1848, granting five years half pay to the widows and orphans of certain officers and soldiers of the late war with Mexico.

JORDAN STOKES,

*Speaker of the House of Representatives.*

M. R. HILL,

*Speaker of the Senate.*

Adopted, January 3, 1852.

## NUMBER XXXIII.

A Resolution authorizing W. H. Humphreys and others to occupy a portion of a certain lot of ground leased to the State by S. Watkins.

WHEREAS, W. H. Humphreys, P. W. Martin, J. B. Johnson, A. V. Brown, N. Baxter and S. Watkins, are the owners of a certain lot of ground, which was leased to the State of Tennessee by S. Watkins, for the purpose of procuring stone for the erection of the State Capitol.

And whereas, the said owners wish to occupy a portion of the ground so leased for the purpose of manufacturing stone by machinery.

*It is therefore resolved by the General Assembly of the State of Tennessee,* That they may occupy such portion thereof as may be designated by the Commissioners of the Capitol, so as not to interfere with the progress of the public work.

JORDAN STOKES,

*Speaker of the House of Representatives.*

M. R. HILL,

*Speaker of the Senate.*

Adopted, January 10, 1852.

## NUMBER XXXIV.

A Resolution directory to the Comptroller of the Treasury, to issue his warrant to Jesse P. Thompson, of Rhea county.

*Resolved by the General Assembly of the State of Tennessee, That the Comptroller of the Treasury of this State shall issue his warrant to Jesse P. Thompson for the sum of forty-six dollars and twenty cents, the amount due said Thompson for conveying one Reuben Davis, an insane pauper, charged with having committed an offence against the State in Rhea county. The court of said county having duly considered said offence, believed and decided the said Davis a suitable subject for the Insane Hospital of the State, and empowered the said Thompson to convey said Davis to the same.*

JORDAN STOKES,

*Speaker of the House of Representatives.*

M. R. HILL,

*Speaker of the Senate.*

Adopted, December 18, 1851.

## NUMBER XXXV.

A Resolution for the benefit of Thomas M. Hill, of Rutherford county.

*Resolved by the General Assembly of the State of Tennessee, That the Comptroller of the Treasury, be, and he is hereby authorized and instructed to issue his warrant to the Treasurer of the State of Tennessee, directing him to pay Thomas M. Hill, twenty dollars and ninety-two cents, money wrongfully paid by him as State tax on merchant's license.*

JORDAN STOKES,

*Speaker of the House of Representatives.*

M. R. HILL,

*Speaker of the Senate.*

Adopted, January 15, 1852.

## NUMBER XXXVI.

A Resolution instructing our Senators in Congress and requesting our Representatives to use all laudable means to secure the passage of a law making certain disposition of our public lands.

*Resolved by the General Assembly of the State of Tennessee;* That our Senators in Congress be, and they are hereby instructed, and our Representatives requested to urge upon the consideration of Congress, the passage of a law, granting one hundred and sixty acres of the public land, to any person who shall be a citizen of the United States at the passage of the law, and who shall not own more in value of real estate than five hundred dollars at the time such person settled upon the public land, and who shall have resided upon the land, cultivating the same three years, the settler paying only the expenses necessary to perfect his title.

*Resolved,* That the Governor be requested to forward a copy of the foregoing Resolution to our Senators and Representatives in Congress.

JORDAN STOKES,

*Speaker of the House of Representatives.*

M. R. HILL,

*Speaker of the Senate.*

Adopted, February 7, 1852.

## NUMBER XXXVII.

A Resolution directory to the Comptroller of the Treasury for the benefit of Abram Greer.

*Resolved by the General Assembly of the State of Tennessee,* That the Comptroller of the Treasury issue his warrant for one hundred and twenty-five dollars and eighty cents, to Abram Greer, for furnishing wood for the use of the Legislature up to the 19th December, 1851, according to a contract with the Secretary of State.

JORDAN STOKES,

*Speaker of the House of Representatives.*

M. R. HILL,

*Speaker of the Senate.*

Adopted, December 19, 1851.

## NUMBER XXXVIII.

A Resolution for the relief of the Trustees of the Lexington Male Academy.

*Resolved by the General Assembly of the State of Tennessee,* That the clerk of the county court of Henderson county, be authorized, and he is hereby directed to allow the Trustees of Lexington Male Academy a credit in the settlement of their account for two hundred dollars, which said trustees paid to Mrs. J. V. E. Covey, for teaching a female school in the town of Lexington.

*And be it further resolved,* That the trustees of said Lexington Male Academy pay to Mr. and Mrs. Reeves two hundred dollars out of the interest of the male academy fund for teaching a female school in the town of Lexington, to be applied to the credit of the patrons of said school for the year 1852, who received no benefit from the two hundred dollars paid to the other school, which shall be divided agreeably to the number of scholars who are residents of said county, and who received no benefit from the two hundred dollars which has been already paid, and that the clerk of said court be directed to allow said trustees a credit for the same.

JORDAN STOKES,

*Speaker of the House of Representatives.*

M. R. HILL,

*Speaker of the Senate.*

Adopted, February 25, 1852.

## NUMBER XXXIX.

A Resolution directory to the Comptroller, in favor of the Public Printers.

*Resolved by the General Assembly of the State of Tennessee,* That the Comptroller issue his warrant to the Treasurer, in favor of the Public Printers, for two thousand dollars, on account of the public printing of the present General Assembly.

JORDAN STOKES,

*Speaker of the House of Representatives.*

M. R. HILL,

*Speaker of the Senate.*

Adopted, November 29, 1851.

## NUMBER XL.

*A Resolution directory to the building Committee of the Capitol.*

*Resolved by the General Assembly of the State of Tennessee, That the building committee of the State Capitol be authorized and required to fit up and furnish in a suitable manner the Legislative Halls and other necessary rooms, for the accommodation of the next General Assembly, provided the building is so far progressed with as to make it practicable; and that they apply so much of the funds appropriated for the completion of the Capitol by this General Assembly, as may be necessary for this purpose.*

*Resolved, That the said building Committee be also required to fit up and prepare in a suitable manner, a room in the Capitol, for the reception and preservation of the set of Weights and Measures adopted as standards by a resolution of Congress, approved the 14th of June, 1836, and some of which are at Washington, ready for delivery to this State, a part thereof being now in the office of the Secretary of State. And as soon as said room is prepared, the Governor is authorized to have said set of Weights and Measures brought to this State, from Washington, and have all necessary care taken for their preservation, and the Comptroller is authorized to issue his warrant for all expenses required for that purpose.*

JORDAN STOKES,

*Speaker of the House of Representatives.*

M. R. HILL,

*Speaker of the Senate.*

Adopted, February 28, 1852.

## NUMBER XLI.

*Resolution declaring the right of the Legislature to instruct our Senators in Congress.*

*Resolved by the General Assembly of the State of Tennessee, That the Legislatures have the right to instruct their Senators in Congress, whenever, in their opinion, the welfare and prosperity of the country requires it to be done, and that it is their duty to obey the same or resign their seats.*

JORDAN STOKES,

*Speaker of the House of Representatives.*

M. R. HILL,

*Speaker of the Senate.*

Adopted, February 21, 1852.

## NUMBER XLII.

A Resolution directed to the Comptroller of the Treasury.

*Resolved by the General Assembly of the State of Tennessee, That the Comptroller of the Treasury be authorized to settle and compromise in any manner compatible with what he believes the interest of the State, with William F. Dougherty, for all claims the State of Tennessee may have against the said Dougherty.*

JORDAN STOKES,

*Speaker of the House of Representatives.*

M. R. HILL,

*Speaker of the Senate.*

Adopted, February 26, 1852.

## NUMBER XLIII.

Resolution appointing Commissioners to settle with the Keeper of the State Penitentiary, and report to the next General Assembly.

*Resolved, by the General Assembly of the State of Tennessee, That William Donaldson, James Johnston and Haynes Graves, the Inspectors of the Penitentiary of the State of Tennessee, be and they are hereby appointed and required to make a full examination of all the books and accounts of said Institution, from the establishment of the same, up to the first of January, 1852, also ascertain what have been the profits and expenses of said Institution, what the convict labor upon the State Capitol has been worth per annum, at the usual prices of labor, what amount of money has been received by the agent from all sources, and what amount it has been necessary for said agent to pay out for the support of said Institution, and that they make a full and complete settlement with John McIntosh, the former agent of said Institution, and that they have power to send for persons and papers, and to examine witnesses on oath, and to compel persons on being notified, to come before them, subject to the same penalties for a failure to attend, when notified, as now apply to witnesses subpoenaed to attend circuit courts, and who fail so to do, and that they make a full report to the next General Assembly of this State.*

JORDAN STOKES,

*Speaker of the House of Representatives.*

M. R. HILL,

*Speaker of the Senate.*

Adopted, February 25, 1852.

## NUMBER XLIV.

*A Resolution relative to the Report of the Judiciary Committee of the Senate.*

*Resolved by the General Assembly of the State of Tennessee, That the report of the Judiciary Committee to whom was referred the resolution instructing said committee to examine and define the various fees now allowed by law to the various county officers of this State, be published in the Appendix, with the acts of the General Assembly of this Session.*

JORDAN STOKES,

*Speaker of the House of Representatives.*

M. R. HILL,

*Speaker of the Senate.*

Adopted, February 28, 1852.

## NUMBER XLV.

*A Resolution for the benefit of Daniel McLean.*

*Resolved by the General Assembly of the State of Tennessee, That General Hiram S. Emmerson, of the county of Coffee, in this State, be authorized and empowered as special Commissioner to make a full settlement with Daniel McLean, late Sheriff in the said county, of all matters or indebtedness upon the part of said McLean, to the State of Tennessee, and of the State to him, and in making said settlement, said Emmerson shall be vested with full discretion in the premises; and after he shall have adjusted the accounts as before directed, he shall report the result to the Comptroller of the Treasury, who, as well as the Treasurer, is hereby authorized to make a final settlement with said McLean, upon the basis of the adjustment with said special Commissioner.*

JORDAN STOKES,

*Speaker of the House of Representatives.*

M. R. HILL,

*Speaker of the Senate.*

Adopted, February 21, 1852.

## NUMBER XLVI.

A Resolution directing to the Commissioners of the Capitol and the Secretary of State.

*Resolved by the General Assembly of the State of Tennessee,* That the Commissioners to superintend the construction of the Capitol, are hereby authorized and directed to sell and dispose of all such of the furniture belonging to the State, in or about the Representative Hall and Senate Chamber, that will not, in their opinion, be suitable or necessary for furnishing the new Capitol.

*Resolved further,* That the Secretary of State is hereby authorized to use any stationery remaining on hand, at the adjournment of the present General Assembly.

JORDAN STOKES,

*Speaker of the House of Representatives.*

M. R. HILL,

*Speaker of the Senate.*

Adopted, February 28, 1852.

## NUMBER XLVII.

Resolution of thanks to Mrs. McNairy.

*Whereas,* Mrs. McNairy, the widow of the late Doctor John McNairy, for many years has acted with more than ordinary care, benevolence and kindness to the inmates of the State Lunatic Asylum, as the Matron thereof. And whereas, such acts of kindness and benevolence to an unfortunate class of our citizens has earned for Mrs. McNairy, a high name amongst all classes of the citizens of the State. And whereas, now said Lady is about to retire from said institution,

*Be it resolved,* That the thanks of this General Assembly be tendered to Mrs. McNairy, for her kindness and care to the inmates in said Asylum, and that the Governor of the State be required to furnish her with a copy of this preamble and resolution.

JORDAN STOKES,

*Speaker of the House of Representatives.*

M. R. HILL,

*Speaker of the Senate.*

Adopted, November 28, 1851.

## NUMBER XLVIII.

Resolution requiring the Comptroller to issue a warrant or warrants to Wm. Cook, for the sum of \$95.25.

WHEREAS, It appears to this General Assembly, by an official statement herewith filed, that on the 9th of October, 1850, A. R. Crozier, Comptroller of the Treasury, issued his warrants, No. 555, for \$86 25 cents, and No. 556 for \$9, making the sum of \$95 25, and said warrants were issued in favor of Wm. Cook, and handed to S. W. Kelly. And whereas, it appears from affidavit of said S. W. Kelly, filed that said warrants by him have been both lost or mislaid, so that the same have never been paid to said Wm. Cook or any other person for him or by his consent or procurement, and that said loss or mislay, is wholly accidental. Therefore

*Resolved, by the General Assembly of the State of Tennessee,* That the Treasurer of the State pay to said Wm. Cook the sum of \$95 25, and for which the Comptroller is directed and required to issue a second warrant or warrants, after the Bank of Tennessee shall notify every one of its branches not to take in or pay said lost warrants, No. 555, and No. 556, and after it shall have received information from said branches and shall communicate to the Comptroller that said lost warrants have not been received or paid.

JORDAN STOKES,

*Speaker of the House of Representatives.*

M. R. HILL,

*Speaker of the Senate.*

Adopted, November 14, 1851.

## NUMRER XLIX.

A Resolution for the benefit of William Eakin and Mrs. Shropshire.

*Resolved by the General Assembly of the State of Tennessee,* That William Eakin of the county of Blount, who is now in the Lunatic Asylum of this State, shall enjoy all the benefits of a pauper in said Institution.

*Be it further resolved,* That Mrs. Shropshire, a lunatic, now in the State Penitentiary, be transferred to the Lunatic Asylum, as a pauper.

JORDAN STOKES,

*Speaker of the House of Representatives.*

M. R. HILL,

*Speaker of the Senate.*

Adopted, February 23, 1852.

## NUMBER L.

A Resolution directory to the Secretary of State.

*Resolved by the General Assembly of the State of Tennessee,* That the Secretary of State be and he is hereby authorized to make a contract for printing 600 copies of the Journals of the Territorial Legislature, in 1794-1795, and the State Legislature of 1796, and the Journals of the Convention that framed the first Constitution of this State. And it is

*Further resolved,* That three copies be distributed with the Journals of the present General Assembly, amongst the several counties of this State. *Provided,* That it does not cost over seven hundred and fifty dollars.

JORDAN STOKES,

*Speaker of the House of Representatives.*

M. R. HILL,

*Speaker of the Senate.*

Adopted, February 24, 1852.

## NUMBER LI.

Resolution to confirm the election of Trustees of the University of Nashville.

*Resolved by the General Assembly of the State of Tennessee,* That the election of the Trustees of the University of Nashville, of Alexander Allison, John L. Hadley, Washington Barrow, R. J. Meigs, R. H. McEwen, Edwin H. Ewing, John Trimble, William Williams, Samuel D. Morgan, Charles Ready, Andrew Ewing and Russell Houston, additional Trustees of said University, be and is hereby confirmed.

JORDAN STOKES,

*Speaker of the House of Representatives.*

M. R. HILL,

*Speaker of the Senate.*

Adopted, January 20, 1852.

## NUMBER LII.

A Resolution instructing our Senators in Congress and requesting our Representatives to vote for a law to compensate the officers and soldiers, of Captain John Rogers' company, of Claiborne county, Captain Ayres Maupin's company, of Campbell county, Captain Thomas J. Caldwell's company, of Monroe county, and Captain Joseph Boyd's, of Monroe county, company mounted volunteers in the service of the United States in the year 1836.

WHEREAS, in July, 1836, the companies of Captain John Rogers, Captain Ayres Maupin, Captain Thomas J. Caldwell and Captain Joseph Boyd, were received into the service of the United States by authority of the War Department, to serve twelve months as mounted volunteers, unless sooner discharged.

And, whereas, in November, 1836, the commanding general ordered said volunteers to return to their homes, and there wait the further orders of the President of the United States or the commanding general, without pay.

And, whereas, the Secretary of War decided said volunteers to be under an indefinite furlough, and as such were entitled to their pay and rations until discharged.

And, whereas, under decision of the Paymaster General, the Second Comptroller of the Treasury, and the Secretary of War, the per diem and forage of the horses of said volunteers, while under said indefinite furlough, have been withheld. Therefore,

*Be it resolved by the General Assembly of the State of Tennessee,* That our Senators in Congress be instructed and our Representatives be requested to use all fair means in their power to have a law passed, allowing said volunteers, and all others in this State having similar claims, such compensation for their time, trouble, expenses and losses while under such indefinite furlough, or in the actual service of the United States, as may be deemed just, equitable and right.

JORDAN STOKES,

*Speaker of the House of Representatives.*

M. R. HILL.

*Speaker of the Senate.*

Adopted, February 23, 1852.

## NUMBER LIH.

**A Resolution providing Academy fund for Greasy Rock Academy, due said Academy for the year 1848.**

*Resolved by the General Assembly of the State of Tennessee, That the Comptroller of the Treasury be authorized and directed to pay to the chairman of the board of trustees for Greasy Rock Academy, the sum of two hundred and fifty two dollars and forty-eight cents, out of the academy fund for the year 1852, being the amount of said fund due to the county of Hancock for the year 1848.*

JORDAN STOKES,

*Speaker of the House of Representatives.*

M. R. HILL,

*Speaker of the Senate.*

Adopted, October 27, 1851.

## NUMBER LIV.

**A Resolution requiring the Comptroller of the Treasury to issue his warrant for forty dollars, for the use of E. Etheridge, Esq.**

*Resolved by the General Assembly of the State of Tennessee, That the Comptroller of the Treasury be, and he is hereby authorized and directed to issue his warrant to the Treasurer of the State, instructing him to pay Emerson Etheridge, Esq., fifty dollars, for attention to the suit of George W. Gibbs versus Robert P. Currin and the Bank of Tennessee, decided in the chancery court at Dresden, at the October term, for the year 1850.*

JORDAN STOKES,

*Speaker of the House of Representatives.*

M. R. HILL,

*Speaker of the Senate.*

Adopted, November 13, 1851.

## NUMBER LV.

**A Resolution appointing Commissioners to negotiate with the Legislature of Kentucky for the cession of a small portion of territory belonging to Kentucky, to the State of Tennessee.**

WHEREAS, there are, according to the manner in which the boundary line between Tennessee and Kentucky was run, about twelve sections of land belonging to Kentucky, lying between the north-western boundary line of Tennessee and the Mississippi river, isolated from the territory of Kentucky.

And whereas, the inhabitants of said territory are desirous, on account of their location, of being annexed to Tennessee.

And whereas, it would be an important acquisition to Tennessee geographically. Therefore,

*Be it resolved by the General Assembly of the State of Tennessee,* That Maj. S. H. Cockran and Col. Robert N. Lewis be appointed commissioners, and the Governor of this State is authorized to commission them as such, to attend the present session of the Legislature of Kentucky, to negotiate for the cession to Tennessee of the above mentioned territory, and that they be authorized to offer a fair equivalent in money to the State of Kentucky for said Territory, and that they report the terms upon which the said territory can be acquired, if acquired at all, to the present session of the Legislature, if practicable, if not, then to the next session of the legislature of this State.

JORDAN STOKES,

*Speaker of the House of Representatives.*

M. R. HILL,

*Speaker of the Senate.*

Adopted, December 2, 1851.

SECRETARY OF STATE'S OFFICE,  
Nashville, May 20, 1852. }

I have carefully collated the foregoing Acts, Memorials and Resolutions with the originals on file in my office, and find them correct copies.

W. B. A. RAMSEY,

*Secretary of State.*



# INDEX.

## A

	Ch.	Sec.	Page.
Academy, Tennessee, certain acts of Trustees of, made valid,	24		130
" Huntville, in the county of Scott, incorporated	25		130
" Fincastle, incorporated,	66		67
" Shelbyville Female, incorporated,	66		467
" Mulberry Female, charter of amended,	82		5104
" Dancy Female, abolished,	104	10	137
" Priestly, abolished,	112		1149
" Strawberry-Plains Female, incorporated,	112		4150
" Savannah, provided for,	140		1192
" Cedar Spring, provided for,	150		2204
" Fulton, incorporated,	186		3266
" Greasy Rock, commissioners appointed for,	190		1272
" Bolivar, provided for,	216	1,2	325
" Rural, incorporated,	258		1424
" Murfreesboro' female, certain powers given to,	258	11	425
" Thompson, incorporated,	270		1466
" Pleasant Valley Female, incorporated,	273		8476
" Hampshire and Greenwood, provided for,	325		1602
" Tracy, provided for,	335		1616
" Charlotte Female, provided for,	335	2,3	616
" Stones River, incorporated,	340		9621
" Locust Grove, incorporated,	349		1638
" Speedwell, Trustees appointed for,	349		5639
" Foresthill, incorporated,	349		7639
" Williamsport Female, incorporated,	349	10	639
" Trenton, certain powers given to,	351		1641
" of Perry county, provided for,	351		7641
" of Decatur county, provided for,	351		8642
" Union, Trustees appointed in,	362		7664
" Lexington Male, resolution in regard to,			742
" Greasy Rock, resolution for benefit of,			750

	Ch.	Sec.	Page
Academies, County, may receive female as well as male pupils,	186		6267
Academy monies, act to secure the faithful application of,	115	1,2	159
Asylum, widows and orphans, of Memphis, incorporat'd	270		3466
" for the insane, warrant to issue to trustees of			725
Administrator, may resign his office,	141		1193
" settlement of estates by, in new counties provided for,	149		1202
" may bring suits in certain cases,	17		1 23
Administration of insolvent estates, several acts for, reduced into one and amended,	283		1511
" of estates, powers of county courts declared in,	215		1324
Agricultural Society, Tennessee, incorporated,	45		1 47
Amendment of Constitution, how submitted to vote of the people,	121		1168
" " proposed,			722
" " proposed,			730
Alien Heir, how to recover escheated estate,	128		2181
Alderburn Cemetery, incorporated,	341		1622
Arbitrations and amicable suits, act concerning,	173		1249
Appropriation, general act of,	370		1687
Account of sales may be sworn to before clerk in vacation,	180		1259
Attachment laws, amended,	177		1256
Association, Missionary, of Methodist E. C. S., incorporated,	229		1342
Attorney General and Reporter, to publish every written opinion of supreme court,	321		1590
B			
Bank of Tennessee, charter of, amended,	16		1 23
" of Tennessee, charter of, amended,	67		1 69
" Union, bonds of, how paid,	94		5117
" of Tennessee, President of, to act as agent of the Treasurer,	94		6117
" Citizens, of Nashville and Memphis, established,	204		1305
" Farmers and Merchants of Memphis, act for relief of,	250		1406
" of Tennessee, to re-establish a branch at Athens,	314		1393
" " Teller of, salary of, increased,			726
" " resolution in regard to,			732
" " resolution in relation to,			732
Bridge, Indian creek, appropriation for,	251		4410

	Ch.	Sec.	Page
Barkett, H. L., appointed commissioner,			735
Banking, act to regulate the business of,	113	1	151
Brownsville, incorporation of, amended,	13	17	20
Block of Marble, appropriation for,	26	1	32
Bills of Sale, rule of construction of,	91	1	113
Bonds lost, act to authorize the bringing of suits on,	135	1	189
" official, of clerks, how suit on regulated,	144	1	196
" " need not be assigned,	144	2	197
" common law, and recognizances, considered as statutory,	256	9	421
" of clerks, additional, required,	164	1	241
" of Union Bank, how paid,	94	5	117
" State, act for the renewal of,	153		220
" " Governor to procure engraving for,	153	8	222
Baldwin, Alfred N., act for the relief of,	330	1	607
Bastardy, county courts may issue process in cases of,	187	1	267
Bowles, M. C., act for benefit of,	201	1	203
Blind, Institution for, appropriation to,	248	3	406
" " Trustees appointed for,			724
Board of Foreign and Domestic Missions of the C. P. Church, incorporated,	277	1	485

## C

Comptroller authorized to pay salary of W. B. Turley,	21	1	25
" to issue warrant to Alexander Gunn,	58	1,2	60
" " " Grove, Maclin & Rogers	59	1	60
" " " Valentine Sevier,	64	1	65
" " " John Catron,	78	1	97
" " " John P. Wortham,	88	1	109
" " " for certain schoolfunds,	165	1	242
" " " for any sum ordered to be paid by resolution of General Assembly.	198	1	298
" " " S. R. Anderson, cashier, &c.	211	1	319
" " " Edmond Rouse,	291	1	562
" " " J. H. Rice,	298	1	569
" " " Isaac Paul,	300	1	591
" " " James T. Gardenhire,	312	1	592
" " " John Grayson,	312	2	592
" " " Jona. Morris and others,	313	1	593
" " " Joseph Byrd,	317	1	596
" " " W. B. Holden,	317	2	596
" " " H. R. Campbell,	333	2	613
" " " H. H. Harrison,	370	2	687
" " " Charles E. Ready,	370	2	687

	Ch.	Sec.	Page
Comptroller to issue warrant to I. C. Lane,	270	2	687
" " " John H. Leuty,	"	"	"
" " " R. B. Cheatham,	"	"	"
" " " P. M. Senter,	"	"	"
" " " G. W. Turk,	"	"	"
" " " W. H. Fewell,	"	"	"
" " " William Rockwood,	"	"	"
" " " A. C. Norvell,	"	"	"
" " " E. G. Eastman,	"	"	"
" " " John Wallace,	"	"	"
" " " A. Hill,	"	"	"
" " " Bang, McKennie & Co.,	370	3	688
" " " W. & R. Freeman,	"	6	"
" " " Charles W. Smith,	"	7	"
" " " Thompson & Co.,	"	8	"
" " " Maxey, McClure & Co.	"	9	"
" " " Brown & Hopkins,	"	10	"
" " " Greenfield & Currey,	"	11	"
" " " W. & T. H. Greenfield	"	"	"
" " " & Co.,	"	12	689
" " " Charles W. Smith,	"	13	"
" " " Publishers of papers,	"	14	"
" " " Abram Greer,	"	16	"
" " " I. C. Lane,	"	17	"
" " " W. T. Berry & Co.,	"	18	"
" " " John M. Morrill,	"	19	"
" " " H. McD. McElrath,	"	"	"
" " " A. Dibrell,	"	27	690
" " " John Frizzell,	"	29	"
" " " Trustees of Asylum for			
" " " Insane,			725
" " " S. W. Cochran,			726
" " " Robert N. Lewis,			726
" " " John Howard,			726
" " " Lewis S. Read,			728
" " " J. C. Burts,			729
" " " Alexander Sexton,			734
" " " William Pentecost,			734
" " " James P. Keith,			736
" " " I. C. Lane,			738
" " " Jesse P. Thompson,			740
" " " Thomas M. Hill,			740
" " " Abram Greer,			741
" " " William Cook,			748
" " " Emmerson Etheridge,			750
" compensation to, for clerk hire,	107	11	143
" when to issue duplicate warrant,	184	12	169

	Ch.	Sec.	Page.
Comptroller and Treasurer authorized to procure offices	202		1304
“ “ authorizing, to procure of-			
“ “ fices, repealed,	301		5573
“ “ offices provided for,			724
“ to make certain examinations,			732
“ to compromise with W. F. Daugherty,			745
Child may be adopted as heir, on petition to county or circuit court,	338		2618
Chancellors prohibited from practising law,	331		1608
CHANCERY PRACTICE, general law to regulate,	365		1672
Courts may vest trust funds in State bonds,	94		4117
Courts of law, act to regulate the course of practice in,	152		216
Courts, County, jurisdiction of, increased,	92		1114
“ “ S. & W. of Congressional reservation line may make Registers perform duties of Entry-Takers,	119		8166
“ “ their duties in relation to guardianships,	141		7194
“ “ of Hardin to elect surveyor,	147		2199
“ “ may correct tax lists,	171		1248
“ “ may release collectors,	171		2248
“ “ may issue process in cases of bastardy,	187		1267
“ “ their powers declared in the administration of estates,	215		1324
“ “ of Haywood, may levy tax for road or bridge over Hatchie river,	275		1479
“ “ to appoint trustees for emancipated slaves,	300		2571
“ “ of Carroll, may charter Huntingdon and Beaver creek T. R.,	311		1591
“ “ of Giles, to locate certain turnpike gates,	315		1594
“ “ may have power to change the name of any person,	338		1618
“ “ may authorize the adoption of child, as heir,	338		2618
Courts, Circuit invested with power to restore persons to citizenship,	30		1 37
“ “ of Haywood county, when held,	52		1 55
“ “ of Madison county, when held,	52		2 55
“ “ of Campbell county, to transfer certain suits,	63	1,2	81
“ “ of Wayne county, when held,	105		1139
“ “ of Hickman county, when held,	105		1139
“ “ of Perry county, when held,	105		1139
“ “ of Taylor county, when held,	105		3139
“ “ of Campbell county, when held,	167		5245

	Ch.	Sec.	Page
Courts, Circuit, of Claiborne county, when held,	167		5245
" " of Dyer county, when held,	181		5261
" " of White county, when held,	230		1343
" " of Fentress county, when held,	230		1343
" " of Overton county, when held,	230		1343
" " of Carroll county, when held,	230		2343
" " of Wilson county, when held,	231		3343
" " of Marshall county, when held,	322		1401
" " Judges of, prohibited from practicing law,	331		1808
" " may authorize the adoption of child, as heir,	338		2618
" " of Shelby, when held,	352		1642
" " of Sevier, when held,	352		3643
" " of Cocke, when held,	352		3643
Courts, Chancery, general law to regulate practice in	365		1672
" " established at Blountville,	5	1	8
" " at Jonesborough, when held,	5	2	8
" " at Greeneville, when held,	5	3	8
" " at Washington, established,	5	4	8
" " at Jackson, when held,	52	3	55
" " at Fayetteville, transferred to 4th Division,	87		1109
" " at Springfield, transferred to Middle Division,	87		2109
" " of Wayne county, when held,	105		2139
" " of Hardin county, when held,	105		2139
" " at Dresden, when held,	167		4245
" " at Waynesborough, when held,	178		3257
" " at Lawrenceburg, when held,	178		3257
" " at Putaski, when held,	178		3258
" " at Lewisburg, when held,	178		3258
" " at Waverly, when held,	178		3258
" " at Charlotte, when held,	178		3258
" " at Springfield, when held,	178		3258
" " at Columbia, when held,	178		3258
" " at Franklin, when held,	178		3258
" " at Dover, when held,	178		3258
" " at Clarksville, when held,	178		3258
" " at Nashville, when held,	178		3258
" " at Dresden, when held,	178		5258
" " in Humphreys county, established,	181		6261
" " in Polk county, established,	293		1564
" " at Jacksborough, re-established,	306		1589
" " at Pikeville or Winchester, citizens of Marion may file bills in, at their option,	307		1590

	Cl.	Sec.	Page.
Courts, Chancery, at Jasper, established, .	329	1	606
“ “ at Woodbury, when held,	329	5	606
“ “ at Lafayette, when held,	331	3	608
“ “ at Gainesborough, when held,	331	3	608
“ “ at Maryville, established,	345	1	630
“ “ at Centreville, established,	345	2	630
“ “ at Bolivar, established,	345	5	631
“ “ at Somerville; suits in Tipton county to be brought in,	352	4	643
“ “ at Blountville, certain suits transferred to	353	1	643
“ “ at Maryville, certain suits transferred to	353	3	644
“ “ at Gallatin, when held,	353	4	644
Cities and Towns incorporated, may subscribe stock in rail road companies,	117	13	164
Counties, acts of certain, legalized,	366	6	678
County of Tipton, seat of justice in,	1	1	1
“ of Union, act to establish. amended,	22	1	20
“ of DeKalb, attached to 4th Judicial Circuit,	40	1	43
“ of Haywood, may levy tax to make road and bridge across Big Hatchie,	44	1	46
“ of Taylor, established,	125	1	175
“ of Perry, citizens of, may file bills at Waynes- borough,	167	3	245
“ of Jefferson, Greene, Hawkins, Washington, Carter, Sullivan, Grainger and Warren, au- thorized to take stock in railroads,	191	20	277
“ of Crockett, act to establish,	195	1	288
“ of Hatchie, act to establish,	195	15	292
“ of Madrid Bend, act to establish,	195	16	292
“ of Christian, act for the formation of	219	1	327
“ of Benton, to retain its original name,	249	5	407
“ of Hickman, allowed additional justice,	262	7	429
“ of Marion, citizens of, may file bills at Pike- ville or Winchester,	308	1	590
“ of Benton, citizens of, may file bills at Paris or Huntingdon,	308	2	590
“ of Rhea entitled to Bank director,	314	2	594
“ of Lewis, acts of officers of, legalized,	366	1	676
“ “ , boundaries of, established,	367	2	680
“ “ , seat of justice in,	367	7	682
“ of Maury, sheriff of may have additional deputy	367	9	683
“ of Smith, to draw certain funds,			732
“ of Scott, attached to Sparta Bank district,	242	4	626
County subscriptions to railroads, authorized,	117	1	161
County Lines between Cannon and Rutherford, altered,	20	1	25

	Ch.	Sec.	Page.
County Lines between Carter and Johnson, changed,	249	4	407
“ “ between Wayne and Lawrence, changed,	55	1	57
“ “ between Perry and Hickman, changed,	189	1	271
“ “ between Sevier and Jefferson, changed,	189	3	271
“ “ between Wayne and Perry, changed,	220	1	329
“ “ between Grainger and Knox, changed,	221	1	330
“ “ between Overton and Fentress, changed,	221	3	330
“ “ between Campbell and Claiborne, “	249	1	407
“ “ between Smith and DeKalb, changed,	282	1	429
“ “ between Coffee and Grundy, changed,	282	3, 8	429
“ “ between Warren and DeKalb, changed,	282	4	429
“ “ between Jefferson and Hawkins, changed,	299	1	570
“ “ between Hancock and Hawkins, changed,	302	1	573
“ “ between Rutherford and Wilson, changed,	302	2	573
“ “ between Rutherford and Williamson, “	304	1	588
“ “ between Cannon and DeKalb, changed,	304	2	588
“ “ between Coffee and Franklin, changed,	327	1	603
“ “ between Hardin and Decatur, changed,	367	1	660
Clerk of County Court, may acknowledge his own deed before chairman,	4	1	7
“ of Circuit Court of Greene county, to pay out certain costs,	64	2	65
“ of different Courts to give additional bonds,	164	1	241
“ of County Courts, may give bond to act as commissioner in making sales,	166	1	243
“ of several Courts, loaning money in their hands, guilty of misdemeanor,	167	1	244
“ not to issue license to retail spirituous liquors, without additional oath being made,	174	7	252
“ of Circuit and Criminal Courts not to enroll, in cases of misdemeanor,	256	11	422
Congress, Senators and Representatives in, resolution to			739
“ “ “ resolution to			741
“ “ “ resolution to			743
“ resolution declaring the right of instructing,			744
“ representation in, act providing for,	196	1	293
Cochran, S. W., appointed commissioner,			751
“ powers of as commissioner, continued,			726
Clerks and Masters, their duties prescribed in certain cases,	178	1	257
“ “ may take depositions in all cases,	365	11	674
Collectors may be released by county courts,	171	2	248
Church, German Evangelical Lutheran, charter of, amended,	345	1	629
Churches unincorporated, act better to secure the right of,	384	1	614
Church, Christian, in the town of Dresden, incorporated,	294	1	565

	Ch.	Sec.	Page.
Company, Fort Pickering Dry Dock, charter of amended,	18	1	24
" Agricultural Manufacturing, incorporated,	29	1	34
" Port Royal Manufacturing, charter of amended,	35	1	41
" Memphis Gas Light, incorporated,	42	1	44
" Lookout incorporated,	63		64
" Nashville Bridge, charter of, amended,	65		65
" Southern Carriage Manufacturing, incorporated,	80	1	99
" Hiwassee and Calchote Mining incorporated,	81	1	100
" Calchote Mining, incorporated,	81	10	103
" Tullahoma Mining and Manufacturing, incorporated,	103	1	131
" Pleasant Run Manufacturing, incorporated,	108	10	133
" Coochaco Mining, incorporated,	108	14	134
" Augusta, Atlanta and Nashville Telegraph, incorporated,	106	1	139
" Poplar Creek and Cumberland Mountain, Coal, incorporated,	108	1	143
" Smithville Hotel, incorporated,	130	1	183
" Firemen's Insurance of Nashville, incorporated,	156	1	225
" Nashville Stone Dressing, incorporated,	157	1	233
" Tennessee, Marine and Fire, charter of, amended,	168	1	245
" Nashville Marine Fire Insurance, Life and Trust, charter of amended,	168	4	246
" Mutual Insurance of Chattanooga, incorporated,	168	1	268
" Mutual Protection, F. I. L. and T. of Trenton, incorporated,	188	4	269
" E. T. Iron Manufacturing, charter of, amended,	188	9	270
" Duck River, Slack Water Navigation, certain powers conferred on,	191	28	279
" Edgefield Broom and Bucket, Manufacturing, incorporated,	213	1	221
" Fayette county, manufacturing, incorporated,	222	1	330
" Edgefield, Spring, Axle and Axe Manufacturing, incorporated,	232	4	345
" South Nashville Manufacturing, incorporated,	236	1	350
" Tennessee Bucket and Lumber, incorporated,	236	4	351
" Mechanics, Fire Engine and Hose, No. 4, and library association of the city of Memphis, incorporated,	239	1	371
" Memphis Coal, incorporated,	239	3	371

	Ch.	Sec.	Pag.
Company, Williamsport Bridge, incorporated,	240		1375
" Tennessee river Mining, Manufacturing and Transportation, incorporated.	3	1	5
" Sequatchee Plank Road, incorporated,	243		1382
" Fire No. 1, in Nashville, incorporated,	245		1404
" Paint and Oil Manufacturing, incorporated,	252		1411
" Lawrence Manufacturing, incorporated,	254		1416
" Nashville Coal, incorporated,	267	11	451
" Franklin Mining and Manufacturing, incorporated,	267		14452
" Chattanooga Wharf, incorporated,	267		15452
" E. T. Mutual Insurance, incorporated,	281		1496
" Mutual Protection, and Fire Insurance, and Life and Trust, of Paris incorporated,	281		12501
" Metropolitan Hotel, incorporated,	281		17502
" Gas Light of Shelbyville, incorporated,	281		30505
" Memphis Manufacturing and Navigation, incorporated,	284		1521
" Sewanee Mining, incorporated,	284		7522
" Sewanee Navigation and Manufacturing, incorporated,	284		12523
" Maury Manufacturing, incorporated,	284		16525
" Tennessee Mining, incorporated,	287		26546
" Ocoee Mining, incorporated,	287		35549
" Broad Street Bottom, incorporated,	288		12554
" Fire Insurance of Memphis, incorporated,	318		1596
" Sequatchee Mining and Manufacturing, incorporated,	332		1680
" Hart Spring Manufacturing, incorporated,	332		6610
" Pactolus Manufacturing, incorporated,	332		9611
" Carthage Manufacturing, incorporated,	358		1650
College, Montgomery Masonic, act to incorporate,	12		1 12
" Soule Female, at Murfreesboro, incorporated,	83		1105
" Hiwassee, act concerning repealed,	216		1325
" Andrew, incorporated,	270		8467
" Denmark Presbyterian Female, incorporated,	274		2477
" Ladies, of Nashville, incorporated,	290		1558
" Carney's Commercial, of Nashville, incorporated,	339		1619
Corporations not using franchises or whose powers are granted away, provided for,	172		1249
Constables, contested elections of, provided for	54		4 56
" election of and duties, regulated,	139		1191
Cemetery, Alderburn, incorporated,	341		1622
Commissioners to sell estate, to give security,	166		1243

	Ch.	Sec.	Page
Commissioners of Common School may sell escheated land,	121	1	167
“ may employ Female teachers,	133	1	188
“ of Sullivan county, may unite districts,	150	1	204
“ of State Capitol to settle with W. Strickland,	333	3	613
“ resolution directory to,			747
Constitution, amendments of, how submitted to a vote of the people,	121	1	168
“ proposed amendments of,			722
“ proposed amendments of,			730
Catron, John, act for the relief of,	78	1	97
Contested Wills, proceedings on,	77	1	96
Contested elections, provided for,	54		56
Citizenship, Circuit Courts invested with power to restore persons to rights of,	30	1	39
Chattanooga, city of, incorporated,	18		15
“ Wharf Company, incorporated,	267	15	452
Cooper, William F., appointed to revise the Statutes;			735
Carroll, S. A., appointed commissioner,			735
Clift, James, act for relief of,	246	2	404
Copies of company records to be evidence in suits between stockholders and company,	244	66	403
Caruthers and Nicholson's compilation, act authorizing the purchase of,	85		1107
Capitol, State, to continue the construction of,	94		1116
“ Resolution instructing the building committee of,			744
Coupons lost, how provided for,	153	10	222
Copeland, Hamilton, act for relief of,	218		1327
Cities, incorporated, may levy tax to pay costs of suits,	239	15	374
Criminal Laws, act to amend,	36	1	41
“ “ act to amend,	134		1189
“ “ act to amend,	174		1251
Criminal proceedings, act to regulate the practice in	256		1420
Construction of deeds and other instruments, provided for,	91		1113
Common School Law, act to amend,	129		1182
“ “ act to increase funds of	165		1242

## D

Deeds, executed by Clerk of county court, may be acknowledged before chairman,	4	1	7
“ registration of, in Fentress county made good,	6	1	9
“ rule of construction of,	91		1113
Dower, to reduce expenses in laying off,	95		1118
“ may be assigned by Householders,	10	1	11

	Ch.	Sec.	Page
Descent, rule of, upon illegitimate children,	39	1	43
Deranged soldiers, provided for,	41	1	44
Deputy Register, acts of, made valid,	48	1	52
Dancyville Female Institute, incorporated,	104	11	137
Delinquent officers may make defense,	142	3	195
Deaf and Dumb, Institution for, appropriation to,	248	1	406
"    "    Trustees appointed for,			728
Depositions, act to regulate the taking of	118	1	165
"    act to amend the law in relation to taking of,	161	1	238
Darwin, William, for the benefit of,			727
Districts, Congressional, defined,	196	1	293
"    Legislative, defined,	197	1	295
"    17th of Monroe & Blount, res. in regard to,			721

#  
E

Elizabethton, incorporation of, amended,	42	3	45
Evidence, copy of company record to be, in suits, between company and stockholders,	244	66	403
Emmerson, Hiram S., appointed commissioner,			746
Election, contested, provided for,	54		56
Electors of President and Vice President, how chosen,	364	1	669
Embezzlement, act concerning, provisions of, extended,	182	1	262
Estates of Idiots and Lunatics, how managed,	57		58
"    administration of, powers of county courts declared in,	215	1	324
"    Insolvent, several acts, for the administration of, reduced into one, and amended,	283	1	511
Enterers of land, to give notice of entry, in certain cases,	326	1	603
Entry Takers and Registers, offices of, consolidated,	119	1	165
"    their duty in returning plats and certificates,	119	7	166
"    to pay over certain moneys into the school fund,	147	3	199
Eakin, William, resolution for benefit of,			178
Entries, certain, in Bedford county, made valid,	301	6	573
Escheated estates, how recovered by alien heir,	128	2	181
Executors may resign their office,	141	1	193
"    settlement of estates by, in new counties provided for,	149	1	202
Executors and administrators, may bring suits in certain cases,	17	1	23
Emancipated slaves, trustees to be appointed for,	300	2	571

F

Fee simple estate, word heirs not necessary to create,	33	1	40
--	----	---	----

	Ch.	Sec.	Page.
Fees of witnesses before Justices of the Peace regulated,	8	1	10
“ “ “ “ “ prescribed,	145	2	198
“ of Justices of the Peace, regulated,	261	1	427
“ of Constables, regulated,	261	1	427
“ of State officers, resolution in regard to,			746
“ of State officers, general bill of, SEE APPENDIX,			
Fox scalp, county court may make allowance for,	183	3	263
Fort Pickering Dry Dock Company, charter of amend-			
ed,	18	1	24
Frivolous and malicious prosecutions, an act to pre-			
vent,	70	1, 2	74
Free indigent children of color, provided for,	156	1	235
Fines and forfeitures, act declaring what shall be paid			
to county and what to State,	162	1	238
Forfeiture of \$500, under 15th sec. 13th chap. of the			
acts of 1835, how released,	369	1	685
Free persons of color, act construing the law in rela-			
tion to,	161	1	237
“ administering poison, penalty for,	174	1	251
“ buying spirituous liquors for, a misdemeanor,	174	6	252
“ playing any game with, on the Sabbath, how			
punishable,	174	9	252
Federal Resolutions,			719
Fire association of Nashville, incorporated,	200	1	302
Faro, to play at, for money or other valuable thing, de-			
clared a misdemeanor,	174	3	251
Foster, E. H., resolution for benefit of,			737

## G

Gas Light company of Memphis, incorporated,	42	1	44
“ “ of Shelbyville, incorporated,	281	30	505
Grant calling for lands in one county, although located			
in another, declared valid,	175	3	254
Gibbs, G. W., resolution for benefit of,			725
Gate, penalty of five dollars, for passing any turnpike,	347	11	636
Gunn, Alexander, warrant to issue to,	58	1, 2	60
Gunpowder, act providing for the safe keeping of,	169	1	246
German Evangelical Lutheran Church, charter of			
amended,	144	1	629
Gap in Clinch Mountain, appropriation for,	360	7	655
Grand Temple of Honor of Tennessee, incorporated,	235	4	349
Guardians may vest funds in capitol bonds,	94	3	117
“ may resign their office,	141	1	193
“ settlement of estates by, in new counties pro-			
vided for,	149	1	202
“ to give additional bond,	166	4	243

	Ch.	Sec.	Page.
Grandmother's trick, played for money or other valuable thing, declared a misdemeanor,	174		3 251
Governor not to issue bonds to any railroad company, except those provided for in the Internal Improvement law,	191	32	281
" to procure engraving for bonds,	191	31	280
" may appoint stockholders, State Directors in East Tennessee and Georgia railroad,	263	10	433
" added to commissioners of State Capitol,	333		5 614
Governor, act to increase the salary of,	336		1 616
" may appoint persons to revise statutes,			735

## H

Householders may lay off dower and roads,	10	1	11
Hyde's Ferry Turnpike Co., charter of, amended,	19	1	24
Heirs, not a necessary word to create estate in fee simple,	33	1	40
Holidays, what to be observed in acceptance and payment of bills,	38	1	42
High School, at Gallatin, incorporated,	46	1	49
Homestead, act to protect,	116		1 158
Hospital of the State, act to create,	155		1 238
Hawking and peddling without license, penalty for,	260		2 427
Haywood, county court of, may levy tax,	275		1 479
Hotel, Metropolitan Co., incorporated,	281		17 502
Hospital, Memphis, act for benefit of,	295		1 566
Heir, may be adopted, on petition,	338		2 618
Hospital, new, for the insane, act for furnishing of,	348		1 637
Hulse, Abram C., monument provided for,			723
Humphreys, W. H., and others, certain privileges granted to,			739

## I

Illiterate persons, protected at ballot box,	34	1	40
Illegitimate children, rule of descent upon,	39	1	43
Idiots, estates of, how managed,	57		58
" act for the protection of,	163		1 239
Instruments lost, act providing for,	86		1 108
Iron Works, lands granted to use of, how held,	129		3 182
INTERNAL IMPROVEMENTS, general system of, established,	151		204
Institution, Literary of St. Agnes, incorporated,	104		1 135
Indigent free children of color, provided for,	158		1 235
Insurance Companies, act to define their rates of license,	255		1 119
Institute, Dancyville Female, incorporated,	104		1 137

	Ch.	Sec.	Page.
Institute, Millwood Female, incorporated,	122		1 170
" Nashville Female, incorporated,	190		2 272
" Washington, charter of, amended,	226		1 341
" Brownsville Female, established,	270		16 469
" Belle Forest Collegiate, incorporated,	273		1 474
" Baptist Female, incorporated,	277		5 486
" Odd Fellows' Collegiate, at Trenton, incorporated,	290		6 550
" Henry, incorporated,	346		11 633
" Odd Fellows' Female Collegiate, provided for,	351		4 641
Insane, new Hospital for; act to furnish,	348		1 637
Insolvent estates, several acts for the administration of, reduced into one, and amended,	283		1 511
Inquisition of lunacy, act to prevent abuses in,	163		1 239
Inventories may be sworn to before clerk in vacation,	180		1 259
Infants, proceeds of estates of, when sold, to be paid to guardian,	166		4 243
Issue of devisee or legatee, when to take,	180		3 260
Incorporated cities and towns may levy tax to pay costs of suits,	239		15 374

## J

Justices of the Peace, act to increase jurisdiction of,	32		1 38
" " act to extend jurisdiction of,	47		1 52
" " contested elections of, provided for	54		56
" " minors not eligible to,	54		5 56
" " proceedings before, regulated,	100		1 125
" " may issue attachments,	177		2 256
" " may issue execution upon an execution from another county,	181		3 261
" " to issue process for hawking and peddling without license,	260		2 427
" " may require plaintiffs to give security for prosecution of suit,	261		2 426
Judges of several courts, prohibited from practicing law,	331		1 608
" special, may interchange ridings,	181		1 260
" of supreme court may grant supersedeas,	181		4 261
Johnson, Absalom, resolution for benefit of,			736
Jefferson School, act to establish,	346		1 632
Jurisdiction of county courts, increased,	92		1 114

## K

Knoxville, several acts incorporating, amended,	279		1 492
Kossuth, L. M., resolution complimentary to,			731

## L

	Ch.	Sec.	Page
Laws, Criminal, act to amend,	36	1	41
Lewis, Robert N., appointed commissioner,			751
"    "    powers of, as commissioner, continu'd			726
License to retail spirituous liquors, additional oath re-			
quired,	174		7252
Lawrenceburg, incorporation of, amended,	169		3247
Lost bonds, act to authorize the bringing of suits on,	135		1189
Lunatics, estates of, how managed,	57		58
"    act for protection of,	163		1239
Literary Institution of St. Agnes, incorporated,	104		1135
Lookout Company, incorporated,	63		64
Lost instruments, act providing for,	86		1108
Lands, processioning, provided for,	90		1112
Land titles, act to quiet and secure,	114		1157
"    escheated, sale of, provided for,	120		1167
"    granted for use of iron works, how held,	129		3182
"    redemption of, law in relation to, amended,	181		2261
"    Toco School, to relieve commissioners of,	321		1600
"    act giving further time to perfect titles to,	326		1603
Limited Partnerships, act in relation to, amended,	170		1247
Lewis county, act to legalize proceedings in,	366		1676

## M

Memphis Gas Light Co., incorporated,	42	1	44
"    Savings Institution, incorporated,	84		1107
"    Charter of, amended,	124		6175
"    Female Seminary, incorporated,	186		1266
"    Medical Society of, incorporated,	236		6351
"    Coal Company, incorporated,	239		3371
"    Widows and orphans, asylum of, incorporated	270		5466
"    and Macon Plank Road Co., incorporated,	280		1494
"    and Somerville Plank Road, charter of			
amended,	280	11	497
"    Manufacturing and Navigation company, in-			
corporated,	284		1521
"    Hospital, act for benefit of,	295		1566
"    Fireman's Insurance Co. of, incorporated,	318		1596
"    authorities of, may collect tax for free schools,	346		8633
"    Recorder of, jurisdiction of, defined,	351		5641
Mill, W. S. Scott's, provided for,	138		1191
Mills and mill owners, act for benefit of,	138		1191
Mill-dam, J. R. & A. H. Russell, authorized to build,	287	25	546
Masons, Free and Accepted, Boydsville Lodge of, in-			
corporated,	235		1349

	Ch.	Sec.	Page
Missionary Association of M. E. C. S., incorporated,	229	1	342
Manufactories, act for the benefit of,	138	3	191
Montgomery Masonic College, act to incorporate,	12	1	12
Marble, block of, appropriation for,	28	1	32
Malicious and frivolous prosecutions, an act to prevent,	70	1,2	74
Militia laws, act to amend,	111	1	149
McNairy, Mrs., resolution complimentary to,			747
Musters in Greene county, time of holding, changed,	127	1	179
" in other regiments, time of holding changed,	127		180
Meigs, Return J., appointed to revise statutes,			735
McClellan, W. J., authorized to open road,	361	1	656
Married women may dispose by will,	180	4	260
Memorial to Congress of the United States,			695
" " in behalf of William Waldo,			696
" " in relation to bounty lands,			697
" " in relation to Navy Yard,			699
" " in relation to western commerce,			701
" to the Legislature of Georgia,			706
" to the Congress of the United States,			712
" to the Legislature of Mississippi,			715

## N

Nashville, South, town of, incorporated,	7	1	9
" corporation of, to subscribe railroad stock,	56	1	57
" Bridge Company, charter of, amended,	65		65
" South, incorporation of, amended,	96	1	118
" limits of, defined,	124	2	174
" Female Institute, incorporated,	190	2	272
" Fire Police, incorporated,	239	13	373
" Coal Company, incorporated,	267	11	451
" Corporate limits of, extended,	290	13	560
" Ladies College in, incorporated,	290	1	558
" University of, powers of, regulated,	316	1	595
" Carney's Commercial College, incorporated,	339	1	619
Names of any person may be changed, on their petition,	338	1	618
Notary Public, each county entitled to one more,	331	2	608
Nuisances, suits for, provided for,	146	2	198

## O

Offences, small, act in relation to, amended,	15	1	22
" " act in relation to, amended,	159	1	235
" " act in relation to, amended,	260	1	427
Odd Friends, Supreme Society of, incorporated,	71		74
Odd Fellows, Lodge No. 41, incorporated,	216	3,4	325
Officers, delinquent, may make defence,	142	3	195

	Ch.	Sec.	Page.
Occupants of school lands, provided for,	296	2	567
Overflowing of land, suits for, how regulated,	146	1	198
Owners of runaway slaves, allowed appeals,	179	1	259
"    of public roads, act for the relief of,	183	1	263

## P

Personal representatives may bring suits, in certain cases,	17	1	23
Persons, illiterate, protected at ballot box,	34	1	40
Patton, Y. S., act for remuneration of,	50	1	53
Prosecutions, malicious and frivolous, an act to prevent,	70	1,2	74
Processioning lands, act providing for,	90	1	112
Proceedings before Justices of the Peace, act regulating, amended,	100	1	125
Pedlars, tax on, how collected,	101	1	126
Pastor and Elders of Presbyterian Church of Murfreesboro', incorporated,	104	8	136
Pauper law, suits under, regulated,	128	1	181
Process served on officer or agent of corporation, declared sufficient,	136	1	190
Property twice listed for taxation, relieved against,	143	1	196
Perry county, citizens of, may file bills at Waynesboro',	167	3	245
Partnerships, limited, act in relation to, amended,	170	1	247
Plaintiffs, before Justices of Peace, required to give security,	261	2	428
Penitentiary, act regulating finances of,	102	1	126
"    act regulating finances of, amended,	198	2	298
"    act to defray expenses of,	333	1	613
"    commissioners to settle with the keeper of,			745
"    Superintendent of, resolution directory to,			727
Proposed amendments of the Constitution,			722
"    "    "    "			730
Poisoning by slave, or free person of color, declared a felony,	174	1	251
Police, Nashville Fire, incorporated,	239	13	373
Public Printer, resolution for benefit of,			734
"    "    resolution for benefit of,			750
President and Vice President, electors of, how chosen,	364	1	669
Porter's Rifle, resolution in relation to,			736
Penalty, of five dollars for passing any turnpike gate,	347	11	636
"    of \$500, under 13th chapter of acts of 1835, released,	369	1	685
Practice in Courts of Common Law, general act to regulate,	152		216
"    in Courts of Chancery, general law to regulate,	365	1	672

## R

			Ch.	Sec.	Page.
<b>Railroad Companies, Louisville and Nashville incorpo-</b>					
		<b>rated,</b>	23	1	28
"	"	<b>Winchester and Alabama, charter</b>			
		<b>of amended,</b>	43	1	45
"	"	<b>Louisville and Nashville, charter of</b>			
		<b>amended,</b>	62	1	63
"	"	<b>E. Tennessee and Virginia, bridges</b>			
		<b>on, provided for,</b>	72		76
"	"	<b>Nashville and North-western incor-</b>			
		<b>porated,</b>	74	1	82
"	"	<b>Tennessee and Alabama, incorpora-</b>			
		<b>ted,</b>	75	1	93
"	"	<b>Mobile and Ohio, charter of amend-</b>			
		<b>ed,</b>	75	4	93
"	"	<b>Tennessee Central, charter of a-</b>			
		<b>mended,</b>	75	5	93
"	"	<b>East Tennessee and Georgia, to aid</b>			
		<b>in completion of,</b>	89	1	110
"	"	<b>Memphis, Clarksville and Louisville,</b>			
		<b>incorporated,</b>	98	1	121
"	"	<b>Pikeville and Jasper, incorporated,</b>	132	1	186
"	"	<b>Tennessee and Alabama, addi-</b>			
		<b>tional commissioners in,</b>	185		8265
"	"	<b>Ten., and Ala., charter of, amended,</b>	191	10	275
"	"	<b>Nashville, Franklin and Columbia,</b>			
		<b>incorporated,</b>	191	1	273
"	"	<b>Mossy Creek and Dandridge, incor-</b>			
		<b>porated,</b>	191	21	278
"	"	<b>Cincinnati and Charleston, charter</b>			
		<b>of revived,</b>	191	26	279
"	"	<b>Nashville and Southern, incorpora-</b>			
		<b>ted,</b>	192	1	281
"	"	<b>Nashville and Southern, charter of</b>			
		<b>amended,</b>	244	6, 7	386
"	"	<b>Nashville and Southern, charter of,</b>			
		<b>amended,</b>	191	10	275
"	"	<b>Nashville and Memphis, incorpora-</b>			
		<b>ted,</b>	199	1	299
"	"	<b>Central Union, incorporated,</b>	206	1	310
"	"	<b>Winchester and Alabama, addition-</b>			
		<b>al powers given to,</b>	206	7	312
"	"	<b>Memphis and Charleston, charter of,</b>			
		<b>amended,</b>	206	1	313
"	"	<b>New Orleans, Jackson and Northern,</b>			
		<b>additional powers given to,</b>	209	1	314

		Ch.	Sec.	Page.
Railroad Companies,	Knoxville, Cumberland Gap and			
"	" Lexington, incorporated,	209		4315
"	New Orleans and Jackson, powers			
"	given to,	209		9317
"	Memphis and Charleston, charter of,			
"	amended,	209		10317
"	Memphis and LaGrange, provisions			
"	concerning,	223	7, 8,	334
"	Memphis and Charleston, charter of,			
"	amended,	223		10334
"	Chattanooga, Blue Spring and			
"	Cleveland, incorporated,	224		1335
"	East Tennessee and Georgia, pro-			
"	visions for,	224		5336
"	Edgefield and Kentucky, incorpora-			
"	ted,	225		1338
"	Bowling Green and Tennessee, in-			
"	corporated,	225		8339
"	Bowling Green and Tennessee, pro-			
"	vision made for,	368		5681
"	Chattanooga, Harrison and Cleve-			
"	land, name of, changed,	227		1341
"	Atlantic, Tennessee and Ohio, in-			
"	corporated,	238		1356
"	E. Tennessee and Kentucky, Cen-			
"	tral, incorporated,	242		9380
"	Lexington and Knoxville, incorpo-			
"	rated,	244		1385
"	LaGrange and Bolivar, incorporated	244		8386
"	New Orleans, Holly Springs and			
"	Ohio, provided for,	244		47397
"	Bolivar and Jackson, incorporated,	244		49397
"	Bolivar and Columbia, incorpora-			
"	ted,	244	5, 4	400
"	Knoxville and Charleston, incorpo-			
"	rated,	244		57401
"	Decatur and Philadelphia, incorpo-			
"	rated,	244		62402
"	Junction, incorporated,	263		1431
"	Louisville, Henry and Gibson, in-			
"	corporated,	268		11457
"	South-western incorporated,	269		1448
"	McMinnville and Manchester, char-			
"	ter of, amended,	269		5463
"	Mobile and Ohio, charter of amend-			
"	ed,	269		12446

	Ch.	Sec.	Page.
<b>Railroad Companies, Chattanooga and Central Kentucky, incorporated,</b>	278	1	489
"    "    Coosa and Chattanooga, privileges granted to,	278	4	490
"    "    Tennessee and Charleston, incorporated,	278	5	490
"    "    Chattanooga, Harrison, Georgetown and Charleston, powers given to transfer,	278	7	491
"    "    Central Trunk, incorporated,	285	1	528
"    "    Memphis and Nashville, certain requirements of,	285	10	531
"    "    North-western, certain requirements of,	285	10	531
"    "    Nashville and North-western, charter of, amended,	285	12	531
"    "    Nashville and North-western, charter of, amended,	292	2	563
"    "    Nashville and Cincinnati, incorporated,	303	1	574
"    "    Poplar Creek, Black Diamond and Salt Manufacturing, incorporated,	355	1	646
"    "    E. Tennessee and Georgia, and the E. Tennessee and Virginia, and the Knoxville and Kentucky, and the Knoxville and North Carolina, incorporated,	359	1	682
"    "    Rogersville and Jefferson, incorporated,	360	1	654
"    "    Cumberland and Huntsville, incorporated,	368	1	688
<b>Railroad in another State, extending into this State, how amenable,</b>	224	7,	8337
<b>Railroad Companies, all, prohibited from banking,</b>	191	80	280
"    county subscriptions to, authorized,	117	1	161
"    act to prevent obstructions on,	123	1	172
"    to pay expenses of bonds,	191	31	280
<b>Registration of deeds in Fentress county, made good,</b>	6	1	9
"    act to amend laws of,	48	1	53
"    act to amend the laws of,	175	1	258
<b>Register's and Entry Takers, offices of, consolidated,</b>	119	1	165
"    may appoint deputy, S. and W. C. L.,	119	4	165
"    of each county, may appoint one deputy,	175	4	254
"    of Middle District, to give certain copies,	301	2	572
<b>Road, from Athens to Tellico Plains, part of act authorizing, repealed,</b>	9	1	10
"    may be laid off by house-holders,	10	1	11

	Ch.	Sec.
Road, Between Tazewell and Knoxville, act providing for, amended,	61	6
" Public, law in relation to, amended,	137	119
" " to change the manner of keeping up,	148	120
" " to levy tax for in certain counties,	148	120
" " from Paris to Reynoldsburg, commissioners appointed on,	234	134
" New State Line Avenue, plank, incorporated,	234	324
Rule in Shelly's case, repealed,	91	1113
Recorder of Memphis, jurisdiction of, defined,	351	5041
Richland Creek, act to declare navigable, repealed,	324	1503
Rape, by a slave, or free person of color declared punishable with death,	174	2251
River, Obeds, act for improvement of,	271	1470
" Caney Fork, appropriation for,	271	10471
" Wolf, provision concerning,	272	5473
" New, made navigable,	242	3638
Representatives in General Assembly, act providing for election of,	197	1306
Representatives in Congress, act providing for election of,	196	1200
Redemption of land, law providing for, amended,	181	2261
Rule day in chancery court, may be return day,	178	4259
Revenue, act providing for, amended,	99	1124
" Laws of, act to amend,	131	1186
" Collectors, act for relief of securities of,	176	1254
Runaway slaves, act concerning, amended,	97	1120
" " owners of, allowed appeals,	179	1250

## S

Small offenses, act in relation to, amended,	15	1 23
" act in relation to, amended,	159	1235
" act in relation to, amended,	260	1437
Suits, chancery, certain, to be transferred to Maryville,	353	3944
" chancery, at Jonesboro, to be transferred,	353	140
" for nuisances, how provided for,	146	1100
" on official bonds of clerks, how regulated,	144	1190
" certain, in Campbell county, to be transferred,	73	1 81
" may be brought by personal representatives, in certain cases,	17	1 23
" originating in Tipton county, may be brought in chancery at Sommerville,	352	464
Soldiers deranged, in Mexican war, provided for,	41	1 44
Steamboats, when owners as masters of, shall take out license,	131	2100

	Ch.	Sec.	Page.
Slaves, runaway, act concerning, amended,	97		1120
" various crimes of, how punishable,	174		1251
" to buy spirituous liquors for, a misdemeanor,	174		6252
" playing with on Sabbath day, how punishable,	174		9252
" to give spirituous liquors to, how punishable,	174	10	252
" emancipated, trustees to be appointed for,	300		2571
Surveyors of Hardin county, acts of, made valid,	147		1199
" records of, in second district, provided for,	301		1572
Securities of revenue collectors, provided for,	176		1254
Secretary of State authorized to purchase and distribute certain books,	300		1570
Secretary of State, certain duties required of,	270	25	690
" resolution directory to,			729
" resolution directory to,			749
Societies, unincorporated, religious or literary, act better to secure the rights of,	334		1614
Society, Tennessee Agricultural, incorporated,	45		147
" Hibernia Mutual Relief, of Memphis, incorporated,	217		1326
" Alumni, of Cumberland University, incorporated,	231		1344
" Medical of Memphis,	236		6351
" Young Men's Literary, of Knoxville, name of, changed,	274		1477
" Philomathesian, of Burritt College, incorporated,	297		1568
" Euphronean, of Franklin College, incorporated,	297		3568
Seminary, Nourse, incorporated,	112		2150
" Memphis Female, incorporated,	186		1266
" Oak Hill, incorporated,	340		1320
" Mossy Creek Missionary Baptist, incorporated,	362		1662
School, Jefferson, established,	346		1632
" Teachers, payment provided for,	66	1, 2	69
" High, at Gallatin, incorporated,	46		149
" Lands, sale of provided for,	120	1, 4	167
" Common, laws of, amended,	129		1182
" Lands, occupants of, provided for,	296		2567
" " Toco, act to relieve commissioners of,	321		1600
Scholastic population, certain, in Bedford county, provided for,	296		3567
Savings Institution of Memphis, incorporated,	84		1107
State Capitol, to continue the construction of,	94		1116
South Nashville, incorporation of, amended,	96		1117
Shows, tax on, how collected,	101		1126
Seals and scrolls, act to dispense with,	126		1179
Stockholder a competent witness in all suits between stockholder and company,	244	67	403
" Governor may appoint as State directors, in E. T. and G. R. R. Company,	263	10	433

	Ch.	Sec.	Page.
Smith James, act for relief of,	246	1	404
Set off, practice in cases of, regulated,	259	1	426
Shropshire Mrs., resolution for benefit of,			748
Sheriff's, delinquent may make defence,	142	1	195
" of Maury county, may appoint additional deputy,	667	9	683
Shelly's case, rule in, repealed,	91	1	113
Sadler, Nelson, resolution for benefit of,			736
Schools unincorporated, act better to secure rights of,	334	1	614
Strickland, W., commissioners of State Capitol to settle with,	333		3613

## T

Turnpike gates, all, penalty of five dollars for passing,	347	11	636
Turnpike Companies, Lebanon and Sparta, charter of amended,	2	1	4
"     "     Hyde's Ferry, charter of amended,	19	1	24
"     "     Manchester and Tullahoma, incorporated,	27	1	33
"     "     Hillsborough and Tullahoma, incorporated,	27	2	33
"     "     Shelbyville, Farmington and Lewisburg, charter of, amended,	28	1	34
"     "     Huntingdon and Tennessee river, charter of, amended,	53	1	55
"     "     Kentucky, incorporated,	69	1	70
"     "     Fayetteville, Boons Hill and Pulaski, charter of, amended,	82	1	104
"     "     Huntsville, incorporated,	93	1	115
"     "     White Plains, incorporated,	109	1	146
"     "     Dyersburg and Mississippi river, incorporated,	110	1	147
"     "     Lookout, incorporated,	185	1	264
"     "     McMinnville and Woodbury, incorporated,	185	5	265
"     "     Shelbyville, Farmington and Lewisburg, time extended to,	191	27	279
"     "     Huntingdon and Tennessee river, charter of, amended,	205	1	310
"     "     Eagleville, Unionville and Shelbyville, charter of, amended,	212	1	319
"     "     Chapel Hill and Unionville, incorporated,	212	3	320
"     "     Shelbyville, Richmond, Petersburg, & Fayetteville, charter of, amended,	214	1	322

		Ch.	Sec.	Page.
Turnpike Companies, Shelbyville and Fayetteville, further time given to,		214		6323
" " Nashville and Middle Franklin, charter of, amended,		223		1333
" " Mill Creek Valley, charter of, amended,		223		3333
" " Fayetteville, Mulberry & Lynchburg, provided for,		223		5333
" " Gallatin and White's Creek, provided for,		228		1342
" " Franklin College, and Stone's river, charter of, amended,		232		1345
" " Waynesborough and Savannah, incorporated,		237		1352
" " Trenton and Troy, incorporated,		237	11	353
" " Eagleville, Unionville and Shelbyville, charter of, amended,		242		1379
" " Murfreesboro' and Manchester, provision for,		242		2379
" " Grayson, incorporated,		264		1434
" " Brownsville and Raleigh, Plank, incorporated,		264		7436
" " Cross Plains and Keysburg, incorporated,		265		11441
" " Springfield and Cross Plains, incorporated,		265		18443
" " Clarksville and Rook's Ferry, incorporated		266		1444
" " Clarksville and Kentucky, incorporated,		266		4445
" " Salem, incorporated,		266		8445
" " Upper Gallatin and Steam Mill, incorporated,		266		12446
" " Clarksville and Hopkinsville, provided for,		267		22448
" " Clinton, incorporated,		267		1449
" " Knoxville Foundry Road, incorporated,		267		5450
" " E. Tennessee and Kentucky, McAdamized or Plank, incorporated,		276		13457
" " Sevier, county incorporated,		280		1480
" " Memphis and Macon, Plank, incorporated,		280		1494
" " Memphis and Somerville, charter of, amended,		280	11	497
" " Pulaski and Lawrenceburgh, incorporated,		280		13497
" " McMinnville, incorporated,		280		15497

		Ch.	\$ac.	Pag.
Turnpike Companies, Charlotte and Jones' Creek, in-				
"	"	282	1	506
"	"	282	14	510
"	"	282	15	510
"	"	282	16	510
"	"	286	6	533
"	"	286	17	537
"	"	286	18	537
"	"	287	1	540
"	"	287	16	545
"	"	287	18	545
"	"	287	21	545
"	"	287	24	546
"	"	305	1	589
"	"	311	1	591
"	"	319	1	598
"	"	328	1	604
"	"	328	4	605
"	"	337	1	617
"	"	337	5	617
"	"	343	1	626
"	"	343	9	627
"	"	343	13	628
"	"	347	1	635
"	"	354	1	644

	Ch.	Sec.	Page.
<b>Turnpike Companies, Western Central, charter of,</b>			
amended,	354		2644
" " Nashville and Charlotte, charter of, amended,	356		1647
" " Nashville and Hillsboro', charter of, revived,	356		3647
" " Murfreesboro' and Liberty, incorporated,	357		1648
" " Blountville, Middleton and Elizabethtown, provided for,	361		10658
" " Marshall's Ferry, incorporated,	361		21660
" " Nashville and Charlotte, charter of re-published,			1686
<b>Turnpike Roads, act authorizing C. W. Nelson to open, amended,</b>	11	1	11
" " Tinkers and Hopkins, charter of, amended,	31	1	37
" " Montgomery, act concerning, repealed,	37	1	42
" " John D. Armond's, act authorizing, amended,	49	1	53
" " Abner Philips, extended,	69	9	72
" " Montgomery, extended,	69	10	72
" " Elijah Frost's, part of disannulled,	69	12	72
" " Isaac Taylor's, provided for,	69	13	72
" " D. Smith's, provided for,	69	16	78
" " Cain Broyle's, act authorizing amended,	203		1304
" " Jacksboro' and Knoxville, commissioners appointed,	205		3310
" " Johnson and Carter, time extended to	207		1313
" " Daniel D. Foute, authorized to open,	241		1377
" " Daniel Smith's, time extended to,	242		6380
" " Henry Long and Henry M. Long, authorized to open,	251		1409
" " act authorizing John C. Vaughn, David Cunningham, David E. Hedgecock and John Prock, to open,	265		1439
" " Bean's Station, provided for,	266		20448
" " act to authorize Julian F. Scott, Wm. J. Scott, C. C. Scott, J. Goldron and C. L. Keon, to open,	268		1455
" " act giving John Gillentine power to construct,	272		1472
" " act authorizing Bird Pankey to open,	272		6473
" " Scott's, commissioners appointed in,	276		12484

	Ch.	Doc.	Page
Turnpike Roads, Cumberland, commissioners appointed in,	276	13	484
" Raines and Carmichael, further time given to,	276	14	484
" " Joseph Hutcheson and Geo. Ricker, authorized to open,	286	1	533
" " Caldwell and Boyd's, provision made for,	287	22	546
" " W. L. Adams and T. B. McElwee, authorized to open,	288	1	533
" " Allen McDonald may have additional gate,	288	13	556
" " C. F. Welcker, W. S. Senter and A. Adkerson, authorized to open,	289	1	556
" " J. H. Parson's, revival of charter to,	289	9	571
" " S. W. Atkinson's, additional gate,	292	1	563
" " Elkton and Fayetteville, authorized,	212	2	563
" " Columbia, P., E. and Alabama, gates on, provided for,	315	1	591
" " Tazewell and Knoxville, charter of amended,	332	17	612
" " Montgomery, commissioners appointed for,	342	1	636
" " Cumberland and Stones River, act to complete,	347	1	635
" " from McMinnville to Rock Island, provided for,	354	3	644
" " Daniel Wallen's, provided for,	354	4	645
" " through Gap of Clinch mountain, provided for,	360	7	680
" " William J. McClellan, authorized to open,	361	1	686
Trustee of Carroll county, entitled to duplicate warrant,	14	1	21
" of county, how to pay out certain school funds,	165	1	243
" of Weakley and Obion counties, authorized to draw certain river funds,	247	1	246
" of Monroe county, to pay James Vaughn,	307	1	590
Trustees, may vest funds in State bonds,	94	3	117
Teachers, school, provided for,	68	1	2
Tippling laws, act to amend,	60	1	2
Toco school land, act to relieve the commissioners of,	321	1	680
Thimble, to play at, for money or other valuable thing, declared a misdemeanor,	174	3	251
Treasurer, how to pay Union Bank bonds,	94	5	117
" to pay certain monies to J. E. Walker,	323	1	601
Tipton county, seat of justice in, established,	1	1	1
Title to lands, act to quiet and secure,	114	1	157

	Page	Sec.	Ch.
Taxation of property, twice listed, relieved against,	143		1196
Taxes, act to reduce, amended,	99		1124
" act regulating, amended,	101		1126
Travelers, act to protect, from imposition by turnpike owners and gate keepers,	154		1223
Telegraph Company, Augusta, Atlanta and Nashville, incorporated,	106		1189
" " New Orleans and Ohio, charter of amended,	363		1666
" " Knoxville and Chattanooga, incorporated,	363		2666
Townships, fractional, of Rutherford, Williamson and Marshall, provided for,	296		1567
Town, of South Nashville, incorporated,	7	1	9
" of Brownsville, incorporation of, amended,	13	17	20
" of Elizabethton, incorporation of, amended,	42	3	45
" of Franklin, corporate limits of, extended,	76	1	95
" of McMinnville, corporate limits of, extended,	76	3	95
" of Paris, corporate limits of, extended,	76	5	96
" and cities, incorporated, may subscribe stock in railroad companies,	117	13	164
" Tazewell, act incorporating, repealed,	124		1174
" New Market, acts of mayor and aldermen of, made valid,	124	3	174
" Springfield, corporation of, amended,	124	4,5	174
" of Whitfield, established,	125	6	177
" of Lawrenceburg, charter of, amended,	169	3	247
" of Franklin, mayor and aldermen of, may take stock in railroad,	193		1284
" of Greeneville, additional powers granted to corporation of,	193		4284
" of Lawrenceburg, mayor and aldermen may take stock in railroad,	193		7285
" of Dyersburg, charter of, amended,	194		1286
" of Shelbyville, charter of, amended,	194		10287
" of Fayetteville, corporate limits of, extended,	214		5323
" of Dyersburg, acts of commissioners of, made valid,	233		1346
" of North Winchester, incorporated,	253		1413
" of Jasper, incorporated,	253		2413
" of Winchester, style of corporation of, changed,	253		15416
" of Murfreesboro', charter of amended,	258		7425
" of Pulaski, charter of, amended,	258		12426
" of Centerville, charter of, amended,	262	5,6	429
" of New Providence, part of charter of, repealed,	266		21448
" of Jamestown, corporate limits of, extended,	277		6486
" of Statesville, incorporated,	277		7486

	Ch.	Sec.	P. & C.
Town, of New Market allowed additional justice,	279		4484
" of Lynnville allowed additional justice,	310		1501
" of Tazewell, corporate limits of, changed,	350		1640
" of McMinnville, corporate limits of, changed,	350		2640
Towns, incorporated, may levy tax to pay costs of suits,	239		15374

## U

Union county, act to establish, amended,	22		1 26
University of Nashville, powers of regulated,	316		1595
" " Trustees in, confirmed,			749
" of Lebanon, certain powers given to,	340		6031
" of E. Tennessee, Trustee appointed in,			723

## V

Volunteer companies, all entitled to arms,	127		8180
Vacancies of Judge or Chancellor, certain, how filled,	257		1493
Vaughn, Jas., to be paid by trustee of Monroe county,	307		1590

## W

Witness, fees of, before Justices of the Peace, regulated,	8		1 10
" to attend an inquisition of idiocy or lunacy,	51		1 54
" in contested elections, provided for,	54		6 56
" to compel attendance of, before Justice of the Peace,	145		1 197
" Stockholder a competent, in all suits between stockholder and company,	244		67 408
Wilson, James, time extended to, to make collection,	342		1 636
Williamsport Bridge Company, incorporated,	240		1 375
West Tennessee Baptist Convention, charter of, amended,	210		1 318
Wild Cat scalps, may be received in payment of poll tax,	183		2 263
Wills, contested, proceedings in,	77		1 96
" rule of construction of,	91		1 113
" how construed,	180		2 260
Widows, act to secure the rights of,	79		1 98
Woman, married, proceeds of estate of, how to be paid over,	166		3 243
" " may dispose by will,	180		4 260
Warrant, duplicate, to issue to trustee of Carroll county,	14		1 21
Walker, J. E., Treasurer to pay certain monies to,	323		1 601

# APPENDIX.

## FEEES OF OFFICERS.

### ATTORNEY.

For each conviction under any of the statutes to discourage and suppress gaming where the judgment is for fine and costs,	1841-2, c. 35.	\$5 00
For each conviction for games, made felony by law, to be taxed in the bill of costs and paid by the defendant,		10 00
For prosecuting to judgment, any delinquent collecting officer and sureties, or either, to be taxed in the bill of costs, and paid by the defendants,	1843, c. 103, §5.	10 00

### CLERK OF COUNTY COURT.

For each copy of the tax list required by law, to be made out by him, for each civil district in his county, one half to be paid by the State treasurer, the other by the county trustee,	1837-8, c. 118.	1 50
For each merchant's license and bond,		2 00
For each license to hawk and peddle,		1 00
For recording, as required by law, each inventory and account of sales,		75
For copies of inventories and accounts of sales when required,		50
For a certificate that a magistrate is an acting justice of this county without the county seal,		25
For qualifying each sheriff, and taking bonds as required by law,		3 00
For issuing marriage license, taking the bond, and recording the return of the minister or justice of the peace, in the book,		1 00
For each road order,		12½
For receiving petition and making order for a jury of view,	To be paid out of the County Treasury.	25
For entering of record the <i>venire facias</i> for the circuit court and copy thereof,		50

	For entering allowance for each pauper and copy thereof,	50
	For recording in the revenue docket the settlement with himself or the clerk of the circuit court, each,	1 00
	For entering of record any other allowance, and copy thereof, when necessary, to be paid by the party in whose favor it is made,	12½
	For every settlement with executors and administrators,	2 00
1837-8, c. 125, § 6, 7.	For every settlement with a guardian, And in each of these cases, such further sum as the court will allow upon a confirmation of the settlement.	1 00
	For recording each settlement as is now directed by law, the further sum of,	50
	For recording letters testamentary and of administration,	50
	For each copy of such record,	50
1837-8, c. 125, § 4	For making out a transcript of any paper or record in his office, for which fees are not already allowed, for each 100 words contained therein, or in that proportion for a greater or less number,	10
1839, c. 144, § 4.	For each tract of land advertized for non-payment of taxes to be paid out of the proceeds of the sale,	1 50
1841-2, c. 62.	For settling with trustees of county academies and discharging duties required of commissioners by 1827, c. 57, and 1829, c. 11, to be paid out of county treasury,	2 00
1849, c. 77, § 8.	For an order or decree for dower,	25
	Copy of the same to be delivered to the surveyor,	25
	Recording report of commissioners,	50

### JUSTICE OF PEACE.

1849, c. 131, § 2.	For trying forcible entry and detainer per diem, Every judgment under the small offence law,	1 00
	Each subpoena issued under said law,	75
		10

### CLERK OF THE CIRCUIT COURT.

1837, c. 143	For countersigning, as required by 1825-6, c. 13, § 11, licenses for exercising taxable privileges, and recording sums to be paid by the State Treasurer, on settlement of accounts,	25
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Entering on the minutes each presentment or indictment, to be taxed in the bill of costs,	25	1839, c. 165, § 1.
Executing decrees to sell real or personal estates, for the first \$100,	4 00	1841-2, c. 91.
for every hundred dollars over one, and not exceeding three hundred dollars, at the rate of	3 00	
for every \$100, over \$300, and not exceeding \$500, at the rate of	2 00	
for every \$100 over \$500, until his fees shall amount to \$100, at the rate of	1 50	
And in no case shall his fees exceed \$100.		
On all monies received from delinquent revenue collectors, reported to the Comptroller and deposited in the treasury under 1844, c. 108, § 9,	6 pr. ct.	

## CONSTABLE.

For collecting money under execution issued under this act, same commissions as are allowed to sheriffs for collecting a like sum.		1837, c. 28.
Serving a warrant or summons for each defendant served,	50	1847-8, c. 58, § 1.
Each notice to take depositions delivered by, to be taxed in the bill of costs,	50	" c. 17.
For guarding prisoner arrested under magistrate's warrant, per diem,	50	1849, c. 24, § 1.
Service of each notice of widow's intended application for dower,	25	1849, c. 77, § 8.

## SHERIFF.

For conveying from one county to another prisoner arrested on a <i>capias</i> to be paid by the State if for felony, by the county if for misdemeanor, same fee allowed as for conveying prisoner from one jail to another.		1847-8, c. 202, § 3.
For guarding defendant arrested, by virtue of justice's warrant, in addition to his fee for arrest for every day spent in guarding the prisoner and carrying him to jail, per diem,	50	1849, c. 24, § 1.
For carrying prisoner from one county to the jail of another, such reasonable allowance as the court may make.		1839, c. 108.
Each tract of land advertised for the non-payment of taxes to be paid out of the proceeds of the sale,	1 00	1839, c. 144, § 4.

1843-4, c. 215, §10	Returning "not found" on process to arrest the body of a person, but not to be allowed unless he make oath before the clerk that he has been to the residence of the party or at the place where he last resided in the county,	50
"	§12 Returning subpoena "not found," same fee.	
1847-8, c. 50, §1.	Serving a warrant or summons for each defendant served,	50
1849, c. 77, §8.	For the service of each notice of widow's intended application for dower,	25
1849, c. 131, §2.	For executing leading process in case of forcible detainer &c., each defendant named therein,	1 00
	Summoning justices and for each witness,	25

### PRINTER.

1830, c. 144, §4.	For each tract of land advertised for non-payment of taxes to be paid out of the proceeds of the sale,	1 50
1845-6, c. 122, §7.	For publishing an order of the chancery court, in no case exceeding,	3 00
	Advertising sales under a decree unless otherwise ordered by the chancellor, in no case exceeding.	3 00

### CLERK AND MASTER OF CHANCERY COURT.

1841-2, c. 91.	For executing decrees for the sale of real estate, same fees as specified under the head clerk of the circuit court.	
1845-6, c. 122, §4.	Taking the deposition of each witness examined by him in any cause pending in the chancery court,	50
	Examining a party to a cause on interrogatories,	50

### COMMISSIONERS FOR THE SALE OF REAL ESTATE.

1841-2, c. 91.	For executing decrees for the sale of real and personal estate, under decrees, the same fees as allowed the clerk of circuit and chancery court for like service.	
1849, c. 77, §8.	For assigning dower decreed by county court,	1 00

### GUARD.

1840, c. 24, §1.	Summoned to guard prisoner arrested under magistrate's warrant per diem.	50
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**REGISTER.**

**For registering decree for title, the same compensation now given to the clerk of the chancery courts for enrolling bills or answers.**

1837, c. 176.

**SURVEYOR.**

**For laying off dower decreed by county court, where the land out of which it is taken does not exceed 300 acres,**

1848, c. 77, § 8.

2 00

**Every 100 acres exceeding 300 and not over 1000,**

50

**Every 100 acres over 1000 and under 2000,**

30

**Each 100 acres above 2000,**

20

**Each mile the land is distant from the court house,**

05

**NOTARY.**

**For recording in a well-bound book each attestation, protestation and other instrument of publication,**

1848-4, c. 9, § 2.

1 00









